CITY OF DAYTON

COUNCIL MEETING

Sept. 3, 2019

A regular meeting of Dayton City Council was held on Tuesday, Sept. 3, 2019 in the board meeting room of the Dayton Independent Schools 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 Aye Member Burns Aye

Member Volter Aye Member Lynn Aye

Member Neary Aye City Adm. Giffen Aye

Member Beseler Aye City Att. Edge Aye

Member Cornett Aye

Audience:

Tim Hall, 410 Kenton Street, and the owner of Hometown Hero’s at 517 Sixth Avenue, is planning to move to a larger location, and applied for the C.C.A.P. Rental Abatement. He was denied. I’ve come here in hopes that council can overturn this decision. For years I’ve watched other restaurants get the money and then move out of Dayton. We’ve put every penny we have into this and have stayed in Dayton. We have people from all over Dayton visit us at Hometown. It’s a good gathering place for a variety of people. I’m hoping you can change the requirements, and do the right thing.

Motion by Member Lynn, seconded by Member Volter to approve the minutes from the August 6, 2019 meeting as received. Member Cornett abstained. Motion carried—so ordered.

Ordinances/Orders:

Second Reading:

**CITY OF DAYTON**

**ORDINANCE NO. #2019-#15**

**AN ORDINANCE REQUIRING THAT THE DELIVERY OF UNSOLICITED WRITTEN MATERIALS TO A PREMISES BE PLACED ON THE FRONT PORCH, THROUGH A MAIL SLOT, SECURELY ATTACHED TO THE FRONT DOOR, BETWEEN THE EXTERIOR AND INTERIOR FRONT DOOR, IN A DISTRIBUTION BOX, OR PERSONALLY WITH THE OWNER/OCCUPANT AND FURTHER CLASSIFYING A VIOLATION OF THIS ORDINANCE AS A CIVIL OFFENSE.**

 This ordinances creates a new section in the City of Dayton Code of Ordinances to require that delivery of unsolicited written materials to real property be placed on the front porch of the premises, through a mail slot, attached to front door, between the exterior and interior front doors, or personally hand delivered to owner or occupant. The ordinance provides an exemption to the United States Postal Service and creates a rebuttable presumption that the material was placed at the premises by the business, good, service, message or idea being promoted or conveyed in the material. Penalty for violation of this ordinance shall be in accordance with the City’s civil fine penalty schedule in City Ordinance 38.15.

 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#15 as received. Comments: Member Burns said it’s illegal to place mail in a mail slot. City Att. Edge said a mail slot is not a mailbox. Member Cornett noted this will help with the door store.

ROLL CALL:

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Member Burns Aye Member Neary Aye

Motion carried—so ordered.

First Reading:

**CITY OF DAYTON**

**ORDINANCE NO. #2019-#16**

**AN ORDINANCE AMENDING CHAPTER 37 OF THE CITY OF DAYTON CODE OF ORDINANCES TO CONFORM WITH THE CITY TAX RATE ORDINANCE.**

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

## Section I

## That Chapter 37 of the City of Dayton Code of Ordinances is amended as follows:

**§ 37.01 COUNTY ASSESSMENT ADOPTED.**

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the annual Campbell County assessment for all real and personal property situated within the city as the basis of all ad valorem tax levies ordered or approved by the City Council.

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date.

**[~~§ 37.02 DUE DATE; PAYMENT.~~**

~~All taxes, except ad valorem taxes on motor vehicles, shall become due on July 1.~~]

**§ 37.03 DELINQUENCY.**

[~~(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent after October 31 following their due dates or as otherwise established by ordinance.~~

~~(B) Any taxes not paid by the date when they become delinquent as established by the ordinance shall be subject to a penalty of 20% on the taxes due and unpaid. The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax bill. Interest at the rate of 12% per annum shall be charged on the account of such tax from November 1 of each year, or as otherwise provided by Council by resolution, to the date of payment.~~

~~(C) Delinquent taxes shall be collectable under the provisions of state law relating to the collection of delinquent taxes by cities of the fourth class.~~]

All taxes not paid by the date when they become due as established by ordinance shall become delinquent. In addition to any tax and penalty assessed, the delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the City for collection of the delinquent tax bill including reasonable attorney’s fees.

**§ 37.04 AD VALOREM TAXES ON MOTOR VEHICLES.**

(A) All ad valorem taxes on motor vehicles shall be collected by the Campbell County Clerk in accordance with KRS 134.800.

(B) Ad valorem taxes on motor vehicles shall become due and delinquent as set forth in KRS 134.810 and any such taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.

## 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:

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DONNA LEGER

CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2019-#17**

**AN ORDINANCE PROVIDING FOR THE IMPOSITION, LEVY, COLLECTION AND APPORTIONMENT OF TAXES FOR THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020.**

**WHEREAS,** KRS 83 A.130 to 83A.150 and KRS 92.280 and KRS 92.330 require that the legislative body of each city levy an ad valorem tax for city purposes, that this be done by ordinance to provide for sufficient revenue to operate city government, and

**WHEREAS,** KRS Chapter 132 requires that this be calculated in accordance with the provisions of that chapter, and KRS 134.800 and KRS 134.810 require that ad valorem taxes on motor vehicles and motorboats be collected by the City Clerk and that such taxes shall become due and delinquent as set forth in KRS 134.810 and that such taxes not paid when due shall be subject to the penalty and interest as specified therein,

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

**SECTION 1. Real Property – General Tax.**

An ad valorem tax rate of .456 cents on each $100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

**SECTION 2. Real Property – Park Tax.**

An ad valorem tax rate of .050 cents on each $100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

**SECTION 3. Other Personal (Tangible) Property.**

An ad valorem tax rate of $.747 cents on each $100.00 (one hundred dollars) of assessed valuation of personal property (other than motor vehicles and motorboats) subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

**SECTION 4. Motor Vehicles and Motorboats.**

An ad valorem tax rate of $.5009 cents on each $100.00 (one hundred dollars) of assessed valuation of motor vehicles and motorboats subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

**SECTION 5. Bank Deposits.**

There shall be imposed and collected for said City, as permitted under KRS Chapter 136 on the taxable fair cash value of bank deposits within the city as assessed, corrected, altered, certified and returned by the Revenue Cabinet or as assessed by the Mayor and Council, if for any reason said deposits have not been listed in any manner for taxation, sum equal to twenty-five thousandths of one percent (.025%) of those deposits. The levy called for in this Section shall be imposed, levied, collected and apportioned for payment of incidental expenses of the City. Those banks upon which the above tax is imposed may pay the sum due less 2% if paid by December 31, 2019 or the full amount by January 31, 2020. Thereafter the penalty and interest herein shall be imposed.

**SECTION 6. Due Date, Payment, Discount and Penalty.**

All taxes mentioned in this Ordinance shall be due and payable at the Office of the City Clerk by December 2, 2019. Taxes not paid by December 2, 2019 shall be delinquent and the City shall assess a penalty of 10% and shall accrue interest at a rate of twelve percent (12%) per annum until paid.

**SECTION 7. Effective Date and Use Thereof.**

This Ordinance shall be effective immediately upon publication and applies to the 2019 calendar year tax assessment and all receipts shall be used for city purposes and accounted in the 2019-2020 fiscal year and subsequent fiscal years in reference to delinquent collections.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: 9/3/19

Second Reading: 9/10/19

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY**

**RESOLUTION NO. 2019-#14R**

A RESOLUTION BY THE CITY OF DAYTON, KENTUCKY SUPPORTING EFFORTS TO CREATE POLICIES RELATING TO CLIMATE CHANGE.

**WHEREAS**, over the years the debate over climate change has created valid concerns of its impacts on all aspects of society; and

**WHEREAS**, the U.S. Army Corps of Engineers has published findings that the effects of climate change will contribute to stronger storms, increased flooding and periodic droughts throughout our country; and

**WHEREAS**, thirty-two (32) major companies with operations in Kentucky recognize the importance of this issue and have committed themselves to various strategies moving them to increase use of renewable energy sources; and

**WHEREAS**, the effects of climate change may pose serious threats to the economic, public health and environmental conditions of Dayton, Kentucky, due to it being a river city; and

**WHEREAS**, the City Council of the City of Dayton, Kentucky recognizes that climate change is a complex issue that inspires strong positions, pro or con, by different levels of government and various interest groups.

**NOW, THEREFORE BE IT RESOLVED,** BY THE CITY OF DAYTON, KENTUCKY that the City Council for the City of Dayton, Kentucky recognizes that the City has the fundamental responsibilities to enhance the health, safety, economic vitality and quality of life for all of its residents. To insure a bright future for the City of Dayton, Kentucky, the City Council believes that aggressive, honest and fruitful discussions take place related to wider availability to renewable energy sources, to the importance of taking necessary steps to reduce greenhouse gases into the atmosphere and to develop sustainable-based policies. The City Council is also committed to work closely with our Federal and State representatives to develop public policy that moves our State and City in this direction.

So Adopted this 3rd day of September 2019.

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Beseler, seconded by Member Volter to approve 2019#14R as read. Comments: Member Cornett said she is all for this ordinance, but we need to start enforcing our ordinance in reference to the trucks on Fourth Avenue. There have been a lot of people complaining. Mr. Stark needs to start cleaning the streets on a regular basis. We need to start enforcing this cleanup. City Adm. Giffen spoke with Mr. Stark this week. Member Burns said when the city first starting taking about development on the Riverfront he questioned the developers and ask them would the trucks be covered and the trucks be washed. They told me they would and it has never been done. I’m not blaming this construction but we’ve fallen short by not making the developers of the first agreement follow the agreement. We have too many other important things to worry about then this climate change.

ROLL CALL:

Member Cornett Aye Member Volter Aye

Member Burns Nay Member Neary Aye

Member Lynn Aye Member Beseler Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

**RESOLUTION NO. 2019 #15R**

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AMENDMENT AGREEMENT WITH THE TRANSPORTATION CABINET FOR AN ADDITIONAL GRANT OF FUNDS FOR THE DAYTON SAFE ROUTE TO SCHOOLS PROJECT.

**BE IT HEREBY ORDERED BY THE CITY OF DAYTON, KENTUCKY AS FOLLOWS:**

Section I

That the City of Dayton was granted $279,600.00 from the Kentucky Transportation Cabinet for the Dayton Safe Route to Schools project, Item No. 06-03505, FED PROJ# 3002-263 & 4002-003/AUTH# 88788.

Section II

That the City of Dayton agrees to ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Amendment to the Agreement, as attached hereto and so incorporated.

Section III

That the Mayor may sign and execute all necessary documents to effectuate this project including but not limited to the Agreement between the Commonwealth of Kentucky Transportation Cabinet and the City of Dayton as attached hereto and so incorporated.

Section IV

That this Resolution shall be maintained and indexed in the Official Resolution Book by the City Clerk/Treasurer.

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

September 3, 2019

Motion by Member Lynn, seconded by Member Cornett to approve 2019#15R as read.

ROLL CALL:

Member Burns Aye Member Neary Aye

Member Lynn Aye Member Beseler Aye

Member Volter Aye Member Cornett Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2019-#16R**

A MUNICIPAL ORDER DECLARING CITY-OWNED TANGIBLE PROPERTY AS SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF REAL PROPERTY CONSISTING OF A VACANT LOT ADJACENT TO 120 O’FALLON 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 an unaddressed vacant lot of real property commonly located adjacent to 120 O’Fallon Avenue approximately .41 acres in size and identified with a PIDN of 999-99-38-197.00

(b) That the intended purpose of the property described herein at the time of purchase is unknown.

(c) That it is in public interest to sell or dispose of the property because the real property is located outside of the city limits.

(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 BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Volter, seconded by Member Lynn to approve 2019#16R as read. Comments: Member Beseler confirmed this was the lot by Queen City.

ROLL CALL:

Member Lynn Aye Member Beseler Aye

Member Volter Aye Member Cornett Aye

Member Neary Aye Member Burns Aye

Motion carried—so ordered.

Mayor’s Report:

Last month we opened up Ahrens Way down on the Riverfront. This is a quarter mile plus of Riverfront access for walking, jogging, and enjoying the river. In the future we’ll be working to move Riverfront Commons beyond this location, down to the Marina. Always remember Mr. Ahrens and his efforts towards our country. Big shout out to the DHS football team it was a fantastic game.

City Administrator’s Report:

Trash pickup will change the week of October 14th. For some the pickup day will stay on Wednesday, but others will be on Thursday or Friday. Republic will be sending out a flier to the residents. You can also visit the City’s web page at [www.daytonky.com](http://www.daytonky.com) for information. Our service will continue to improve.

Special Events Application from VFW Post 2899. They request permission to setup at the Monument for their annual Rock-A-Thon. Money collected will go to the VA Hospital in Ft. Thomas. The date requested is Sept. 13, from 6:00 p.m. – 9:00 p.m. Motion by Member Cornett, seconded by Burns to approve this request. Motion carried- so ordered.

Special Events Application from River City Barbell. They request permission to close access to Second Avenue directly in front of and 100’ east and west of 1101 Second Avenue for their strongman events, truck pull and Hercules hold. The request is for Sept. 28, 2019 from 8:00 a.m. until 6:00 p.m. Motion by Member Beseler, seconded by Member Volter to approve this request. Motion carried—so ordered.

Special Event Application from The Lodge KY. Mr. Beseler request permission to close Vine Street between Fifth & Sixth Avenue and on Lodge property, to hold a Front Porch Concert. This request is for October 5, 2019 from 4:00 p.m. until 11:00 p.m. Motion by Member Cornett, seconded by Member Lynn to approve this request. Comments: Member Burns wants to make sure the neighbors are informed and okay with closing the street. Member Beseler abstained. Motion carried—so ordered.

Department Head’s Report:

Chris Adkins, Fire Chief, submitted a copy of his report. The Fire Department and Police Department had some difficult runs lately and we all worked well together. Riverfest (WEBN Fireworks) went off Sunday without any problems. We should hear something about the radio grants in the next few weeks.

Phil Liles, Director of Codes, submitted a copy of his report. In August 63 cases were closed, and 80 letters sent out. Of the 80 letters, 16 were citations, 50 violations, and 14 grass cutting. Seven tags were issued and two vehicles towed.

David Halfhill, Police Chief, submitted a copy of his report. Testing of the radios should be the first week of September and training will start in October. After this we should be ready to transfer over to the new radio system in November. Officer Zebell received the Angel Award through his work with the Drug Strike Task Force. Member Burns asked City Adm. Giffen if the money is available for the radios. Yes, replied Member Giffen.

Robert Yoder, Economic Development Director, submitted a copy of his report.

Two new businesses are opening this month: Unataza Coffee, 620 Sixth Ave. and

Hickory Dickory Dock Retro Candy, 530 Sixth Ave. The Dayton Flea Market will be on Saturday, September 21. We will also have another City Wide Yard Sale that day.

On September 28, the Dayton Main Street Board is bringing back Fall Fest. We’ll be having food from our local restaurants, bands, crafts, and vendors. There will be a pumpkin carving contest and face painting. We have two new members on the Main Street Board: Nathan Kroeger and Patti Simpson. The next Main Street Board meeting is September 24.

I’ve applied for an Urban Forestry Grant to plant 20 street trees in the 1000 and 1100 Block of Fifth Avenue. The Walk Dayton project received a $500 grant from the NKY Health Department. Signs are currently being made.  The signs should be installed this month.

Member Volter noted larger trees can up root the sidewalks. Mr. Yoder said he will use Maple and a shorter Crab Apple trees. Member Volter and Member Burns both agree, we do not want any trees that will up root the sidewalks as they grow.

Member Burns asked about the cost of the Sidewalk Grant. The grant is for $276,000 and the City will owe a 20% match. Member Burns asked City Adm. Giffen if the City has those funds. City Adm. Giffen replied, yes.

City Attorney’s Report:

City Att. Edge passed around a new open record law sign in sheet for council. Council also received the property foreclosure list for their approval. This includes fourteen properties. Motion by Member Cornett, seconded by Member Burns to approve the list so City Att. Edge can start the foreclosure process on these properties. Comments: Does any of these affect Phil Liles report? City Att. Edge said yes, he will work with Mr. Liles.

ROLL CALL:

Member Volter Aye Member Cornett Aye

Member Neary Aye Member Burns Aye

Member Beseler Aye Member Lynn Aye

Motion carried—so ordered.

Unfinished Business:

Member Burns would like to know the status of the meeting with Mr. Dilts. Phil Liles met with Mr. Dilts and Phil Liles will talk with City Att. Edge. Mayor Baker said he spoke with Mr. Dilts about the issue on Saturday. Member Burns said he doesn’t want this to fall between the cracks. This makes the problem on Ervin Terrace worse. Member Burns also mentioned the catch basins on Belmont. The water problem is on the left side. City Adm. Giffen said the placement of the catch basins are up to the City, but we must work with the locations of the water lines.

Member Volter is assuming Mr. Hall was denied CCAP because the CCAP policy would not allow for current businesses to apply. Mayor Baker will get the Economic Development Committee together this month to discuss changes to the CCAP Program. This is not the only concern with the program. The findings will be brought to the October meeting. Mr. Hall’s concerns are being heard as are others. Member Burns is concerned about the funding for the CCAP Program. This was supposed to be a three year program, and we are in year number four. The money issue needs to be addressed. We need to think about doing away with the CCAP Program. A meeting will be schedule in the next 30 days.

Member Burns would like City Adm. Giffen to put Duke Energy on notice about the utility pole by the railroad tracks/city garage. The pole is going to fall. City Adm. Giffen said this has been reported to Duke Energy and they’ve been put on notice.

Member Volter would like to see the sidewalk bids go out in early spring. Timing is critical.

New Business:

Member Cornett would like to see the city put something in place for Airbnb’s. City Att. Edge said right now it falls under the home occupational ordinance. Most of the Airbnb’s in the city are probably operating illegally. City Att. Edge sent a letter to the corporate office asking for a list of all Airbnb locations in the city. City Att. Edge has a copy of the Bellevue ordinance and will e-mail this to council. Council will then determine what direction they wish to go.

List of upcoming events:

Music Fest - Sept. 7, from 2:00 p.m. until midnight at Gil Lynn Park.

Psalms Festival - September 21, Gil Lynn Park.

Haunted House - 625 Second Thursday, Friday & Saturday in October.

Dayton Shred Day - October 26, at 625 Second Ave.

Senior Citizens Picnic - Oct. 8th at the VFW.

Dayton Day at the Cincinnati Reds is Friday, tickets cost $10.00 - $20.00.

Adjournment:

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

 Respectfully submitted,

 Donna Leger

 Clerk/Treas.

ATTEST:

Ben Baker

Mayor