CITY OF DAYTON

COUNCIL MEETING

February 4, 2020

A regular meeting of Dayton City Council held on Tuesday, February 4, 2020, 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.

Department Heads:

Sergeant Tony Baldwin submitted a copy of his report.

Fire Chief Adkins submitted a copy of his report. Fire Chief Adkins mentioned that the ambulance is down, and they are currently using a backup ambulance. The fire department is now looking into options to purchase a new ambulance. There is a fire board meeting on February 19.

Code Officer Liles submitted a copy of his report. Code Officer Liles wrote 27 Citations, 49 violations, 1 grass invoice, and towed 3 cars. For the 2019 year, 208 citations were sent, and 594 letters for violations and grass cutting fees were sent.

Economic Developer Bob Yoder said Galactic Chicken and Ketcham Flooring would be opening soon. The Main Street Board is working with Hickory Dickory Dock Vintage Candies to host a winter carnival in the City Parking lot in the 500 Block of Sixth Ave., on March 14, 2020. There will be a Main Street Board meeting on February 25 at Unataza Coffee.

Economic Developer Bob Yoder stated the Safe Routes to School sidewalk grant is vital in establishing a safe pedestrian connection from the basin to upper Dayton. I’ve been working on this for three years. The City heard from council members and people in the audience on the importance of this project for the safety of Dayton’s Children.

The Board of Architectural Review approved plans to restore the moldings on the top of 501-507 Sixth Ave. There will be a Board of Architectural Review meeting Tuesday, February 11, 2020, at 7:00 PM at Hometown Heroes.

Public Works Superintendent Rick Lucas stated he ordered 50 tons of salt and only used 4 tons of salt for the year.

Mayor’s Report:

Mayor Baker announced it was an exciting day yesterday for the City of Dayton because Governor Beshear presented a check for $91,043.00 for the Recreational Trails Grant. Mayor Baker reminded everyone that there is a special election on February 25 to fill former Representative Dennis Keene's spot. For the City of Dayton, voting will take place at First Baptist Church.

Mayor Baker reappointed the following Members to the boards as follows:

Planning & Zoning- Sandy Trutschel and Anthony Cadle

Board of Adjustments – Don Lynn

Board of Architectural Review- Emily Holtrop and Tracey Codell

Civic Club- Jennifer Debruler and Amy Klosterman

Housing Authority- Alberta Boruske

Main Street Board- Jay Banks and Bret Neuspickle

Museum Board- Jane Hebel

Board of Park Commissioners- Amanda Bowman

Code Enforcement- Mike Lenz

Motion by Member Lynn, seconded by Member Volter, to approve to reappoint the board members as read. Motion carried- so ordered.

Motion by Member Cornett, seconded by Member Neary, to approve the January 7 minutes. Motion carried- so ordered.

First Reading:

#  CITY OF DAYTON, KENTUCKY ORDINANCE NO. 2020#1

**AN ORDINANCE AMENDING CHAPTER 154 OF THE DAYTON CODE OF ORDINANCES COMMONLY REFERRED TO AS THE CITY OF DAYTON ZONING ORDINANCE BY ADDING EVENT FACILITIES AND CHILD CARE CENTER AS A CONDITIONAL USE IN THE RESIDENTIAL-ONE JJ ZONE.**

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

Section I

That a regular planning and zoning meeting on January 8, 2020 to hear proposed text amendments to the

City’s Zoning Ordinance.

Section II

That following the public hearing on this matter the City’s Planning and Zoning Commission recommended to the city council that the zoning ordinance be amended as so attached and incorporated herein.

Section III

That the amendments are attached hereto and so incorporated into the City’s Code of Ordinances.

Section IV

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

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

Second Reading:

MAYOR BEN BAKER

ATTEST:

DONNA LEGER

CITY CLERK/TREASURER

# CITY OF DAYTON, KENTUCKY

**MUNICIPAL ORDER NO. 2020-1R**

A MUNICIPAL ORDER AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY EASEMENTS TO COMPLETE SIDEWALK PROJECT.

 **WHEREAS,** the City obtained grant funds and initiated a transportation improvement project that involves the construction of new sidewalks and roadway markings along Dayton Pike from 7th street to Dayton Pike, Chateau Drive and along Belmont Road to Ervin Terrace.

**WHEREAS,** to complete said project, the City requires easement rights to certain parcels of land where the sidewalk will be constructed and located;

**WHEREAS,** said parcels of land include a portion of real property commonly located at 196 Dayton Pike and owned by Carl and Dawn Redleaf, and a portion of real property commonly located at 303 Dayton Pike and owned by Matthew and Diana Lenz;

**WHEREAS,** the City desires to exercise its right of eminent domain as authorized under KRS 82.082 to obtain said property;

**WHEREAS,** obtaining said easements are necessary to complete the aforementioned transportation improvement project; and

**WHEREAS,** providing a sidewalk for pedestrian transit is a public purpose.

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

## Section I

That the City Attorney shall initiate and complete eminent domain proceedings to obtain easement rights to certain real property described in the attached hereto and incorporated herein Exhibit A.

## Section II

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

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

MAYOR BEN BAKER

ATTEST:

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

DONNA LEGER

CITY CLERK/TREASURER

Comments:

Member Volter stated he would like to recuse himself from voting on this issue because of his personal relationship with the property owner. Motion Neary, seconded by Member Beseler, to approve Order 2020 #1 as read.

Member Burns questioned if the water runoff problem is fixed yet? City Adm. Giffen stated the sidewalk project is the only viable option the city has to help improve stormwater management. As far as funding for fixing the problem, there is no funding for these things. The only real funding the city has is the grant. By putting a sidewalk and curb there, it might help alleviate some of the stormwater coming from the street and onto people’s properties. The pipe that Mr. Lenz mentioned last month is not a city pipe, but a private pipe and the city has no jurisdiction on it. Mr. Lenz is using this issue to delay the project. The community and the kids deserve a safe way to walk every day to their destinations.

This grant has been years in the making, and several people over the years have been asking when this will sidewalk project will be completed. City Adm. Giffen understands Mr. Lenz and his neighbor’s concerns. If the city does not move forward with this project through eminent domain, then the grant will go into default, which means the city will be on the hook to pay back all the money that was used, such as $100,000.00 on design and right away fees. The city will also need to find a way to fund a park and a sidewalk for Jamestown Park. All this is being paid for in this grant. The city is asking for eminent domain for a piece of their land along the road. At this point, the city lost construction for 2020, but hopefully, with this tonight, it will help the city get back on track.

Member Burns feels that the city is willing to spend $300,000.00 on a sidewalk when there is a water problem that needs to be addressed before the sidewalk is installed. If not, the sidewalk will wash out. He is not for eminent domain. Mayor Baker, Member Beseler, Member Lynn, and Member Neary said they are for eminent domain in this case based on what has been discussed at the last two council meetings. Member Neary stated that he promises that the runoff water issue will not be pushed aside, and this is something he will keep pursuing to get fixed.

ROLL CALL:

Member Neary Aye Member Burns Nay

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Abstained

Motion carried – so ordered.

City Administrator’s Report:

Handicap Parking Application for 503 Third Avenue for Joyce Marimon. This property did have off-street parking at one point in time, but the property is all fenced in and has a lot of vegetation and flowers blocking the path for a car to fit through. City Adm. Giffen recommends approving this application, and the city will keep track of the off-street parking. Motion by Member Neary, seconded by Member Cornett, to approve the handicap parking application for 503 Third Avenue. Motion carried- so ordered.

City Adm. Giffen noted that per the previous conversation about eminent domain, he has met with Mr. Lenz since last summer about SD1 programs. If there is something the city can do to help, we will try.

City Attorney Report:

Att. Edge sent 28 delinquent business/rental letters out.

Audience:

Jean Cole, 319 Ervin Terrace, wanted to clarify what Mayor Baker mentioned about the special election. The voting location for all Dayton residents on February 25 is at First Dayton Baptist Church. Voting at that location is only for that day, and in November, everyone will return to their regular polling place.

Anthony Cadle, 1120 Fifth Ave., is head of the Planning & Zoning Committee and mentioned that citizens and volunteers helped put together the Comprehensive Plan. This plan is forward-thinking and puts a lot of the items on for the front for later.

Cathy Volter, 336-1 Riverpointe Dr., stated she would like to see the fencing removed from Sargeant Park and Gil Lynn Park to make it more accessible. She feels that the fencing has the appearance that this is not a safe area. Cathy Volter said that the administration should have had a sit-down talk with Mr. Lenz rather than phone calls. City Adm. Giffen stated he has sat down with Mr. Lenz for the last eight months, and Mr. Lenz is aware of the SD1 programs.

Cathy Gordon, 314 Fourth Ave., stated that council should be mindful of eminent domain, and it seems scary to the homeowner because they feel they lose control of what they paid for.

Matt Lenz, 1009 Lincoln Rd., stated he owns the house on Dayton Pike, and at the last meeting, the city was supposed to get an estimate to fix the pipe. City Adm. Giffen stated yes, the city did. Mr. Lenz talked to CME Pipeline and said there is a 36-inch concrete pipe that catches all the water in that area. Mr. Lenz would like to know how this is his responsibility to fix a pipe when most of the city's water flows through this pipe. Mr. Lenz would like to meet with the mayor and city administrator about his issue and see if something can be done. Member Neary stated that the council needs to be cautious with this issue because, in the past, citizens have addressed council with private water issues as well. If council were to agree to fix this issue, then it could set a precedent for further private stormwater issues to be paid by the city, which could bankrupt the city.

Carl Redleaf, 196 Dayton Pike, would like to know who would be responsible for paying for this sidewalk once it is washed out from the stormwater runoff. City Att. Edge stated all council is doing is getting the easement. Later council can discuss to repair or not to repair the sidewalk, but council does not dictate this. Carl Redleaf stated that would he be responsible for the repair. City Att. Edge said yes.

New Business:

City Adm. Giffen would like to reopen the floor to the audience if they have any questions, concerns, or changes they would like to make to the Comprehensive Plan rough draft. Once all changes have been completed in the rough draft, a final draft should be ready in a few weeks, and a first reading will be in March. A Comprehensive Plan is a plan that sets the vision for the community for the next five years. The plan focuses on various issues such as land use, transportations, etc. It’s not binding — it’ just a plan.

Member Cornett announced that she is applying for a grant with Arts Wave for the Civic Club to hold Kite Festival this year. Member Cornett asked about what the city can do to get the Dayton Community News more accessible to the citizens and to utilize the newspaper by adding more information from the city. Mayor Baker stated this is something we started to work on in the last week.

Member Beseler stated the Garden Club will have a meeting this Sunday at 11:00 am at the Lodge.

Adjournment:

Motion by Member Beseler, seconded by Member Cornett. Motion carried- so ordered.

Tiffany Myers

Assistant Clerk/Treas.

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor