CITY OF DAYTON

COUNCIL MEETING

Jan. 7, 2020

A regular meeting of Dayton City Council was held on Tuesday, Jan. 7, 2020 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 Absent Member Lynn Aye

Member Neary Aye City Adm. Giffen Aye

Member Beseler Aye City Att. Edge Aye

Member Cornett Aye

Audience:

Matt Lenz, 1009 Lincoln Road, passed out paperwork to council. Mr. Lenz recently purchased 303 Dayton Pike. Mr. Lenz said this property has a serious storm water issue. Mr. Lenz said the Redleaf and Trudsdell properties on Dayton Pike also have water issues. He said SD1 is aware of the pipe which collapsed under his property. Mr. Lenz spoke with City Adm. Giffen & SD1 in reference to this problem and both have told him this is a private pipe. Mr. Lenz does not agree. Mr. Lenz would like the City of Dayton and SD1 to enter into a contract, and pay 50% each to repair the storm water pipe on his property. Mr. Lenz stated, I will fill it with concrete if it’s a private pipe. He also said the city needs to repair this problem before the new sidewalk on Dayton Pike is installed or he will not sign off on the sidewalk easement.

Carl Readleaf, 196 Dayton Pike, said this is a serious problem. His yard gets flooded. He would like to know who is responsible for the new sidewalk after it’s installed. If and when repairs are needed to the sidewalk who’s responsible for the repairs? Fix the water problem before installing the new sidewalk.

Member Lynn questioned why wouldn’t this be a city line or sanitation line? City Adm. Giffen said the sanitation district took over anything that was a public line. Before those homes were built there was a creek where the culvert is located. So whomever developed those lines privately culverted the creek bed. Member Burns did not see how this could be a private line when water is coming off our hill and we have catch basins there. Member Giffen gave an example; let’s say the pipe was not there and it was a creek. If that creek overflows it’s not a city maintained creek, it’s part of private property. Member Giffen noted there’s a line that runs under Chateau Drive, under a public street, which is a public line.

Att. Tom Edge said this line never belonged to the city. It was never dedicated. It has a private use private line status. The city has no property rights. In the 1950’s it was never dedicated.

Mr. Lenz said SD1 is working on a price estimate. Angela Cook, SD1 Community Liaison, addressed council. We have seen many of these undedicated lines throughout the area. It was never dedicated, never maintained by SD1 and remains private. The city and city only can apply for a 50/50 match with the Sanitation District. SD1 also has a 1/3 owner, 1/3 city and 1/3 SD1 program. Again the city would need to apply for the 1/3 program or 50/50 match. With the 1/3 program the line remains the responsibility of the property owner. Member Neary confirmed, so no easement owed by SDI, correct. Correct.

Mr. Lenz said the property flooded in early spring. SD1 said the problem was already identified and they could not run a camera through the line. Angela Cook, SD1, said they do respond when they get a call private line or not. Member Neary does not feel council can make a decision until they know what caused this and what repairs are needed.

When built there was likely no storm water regulations. The city did not have ownership of the lines and when the pipe was installed SD1 did not know. If the city applies for the 50/50 partnership with SD1 once completed SD1 would take ownership. If the 1/3 partnership is done then it remains the responsibility of the property owner. Member Neary also suggested the city consider a new storm pipe alongside the new sidewalk. We need to figure out how much it would cost to do this.

SDI said on both projects the city needs to be the one to apply. On the private cost share the amount is only up to $10,000. City Att. Edge said the city can’t participate on private property. It’s not a benefit to the community as a whole.

Mayor Baker noted we all agree it’s a problem, but we don’t have enough information to make a decision. Mr. Lenz will get a cost to replace a private line and the city will look at the 50/50 match with SD1. This issue will then come back to council.

Mayor Baker thanked all of the city employees for their hard work this past year, and thanks to the FDBD for responding to a fire on Christmas Eve/Day. Happy 2020!

The Transportation Cabinet has made some recommendations to change the #12 bus route. The city recommends everything stay the same as it is now. For more information visit tankbus.org or attend one of the planned meetings.

Motion by Member Neary, seconded by Member Lynn to approve minutes from the Dec. 3, 2019 meeting. Motion carried—so ordered.

City Administrator’s Report:

Planning & Zoning will have a meeting tomorrow at 7:00 p.m. to make a motion on the Comprehensive Plan. I’d like to have a committee meeting which includes Member Cornett, Member Lynn and Member Burns to review the Comprehensive Plan. It will then come back to council for a vote.

Department Head’s Report:

Chris Adkins, Fire Chief, submitted a copy of his report. Fire runs are up. This Christmas we provided 32 kids with a nice holiday. Twenty of them receiving new bikes and helmets. The FDBD is proud to be a part of Dayton & Bellevue and being able to give back to the communities we serve. We had our Fire Board Meeting in December and are looking into purchasing a new ambulance. We’ll probably make a purchase in the next 6-8 months if not sooner. We are currently looking for a new employee. One of ours is going to the Memphis Fire Department.

David Halfhill, Police Chief, submitted a copy of his report. The department is establishing a list of possible candidates that will be good for two years. We are not losing anyone, just looking ahead. Member Burns said the warrants issued are down and commended the Police Dept. for an excellent job.

Robert Yoder, Economic Development Director, submitted a copy of his report. Galactic Fried Chicken is finishing up work at 620 Sixth Ave., and it will be opening this month. We are finalizing their rental abatement CCAP application.

The Main Street Board provided hot chocolate & cookies at Light up Dayton. A special thanks to Aryn Fox who donated some of the most amazing cookies ever! Also a thanks to Tim and Crystal at Hometown Heroes for letting us use their kitchen to make the hot chocolate.

A grant was submitted with Greenworks Ohio River Valley to address the invasive species eradication on stream bed restoration in Sargeant Park. The right of way (ROW) is progressing for the Safe Routes to School Grant along Dayton Pike. Many of the easements have been granted, and we are working on the few remaining properties from which we will need easements. There will be a Main Street Board meeting January 28. Member Neary requested a detailed copy of the Sargeant Park Project Grant. Mr. Yoder will get this to all of council.

The Board of Architectural Review’s Holiday Decorating Contest was a success and a lot of fun. Last month we worked with the contractor and approved plans for addressing the decorative molding on the top of 501-507 Sixth Ave. There will be a Board of Architectural Review meeting next Tuesday, January 14, 2020, 7:00 PM at Hometown Heroes.

Phil Liles, Director of Codes, submitted a copy of his report. In December 43 letters were mailed out. Of those 16 citations, 3 grass cutting and 24 violations. Three citations were delivered for the placement of unsolicited written materials. The company received notification in advance. The citations issued were $250.00, $500.00 and $1000.00. There were 15 cases closed in the month of December. I also issued 17 parking tickets and towed 5 vehicles.

New Business:

Thanks to Jessica Lovins and everyone involved with Light up Dayton. It was an amazing event.

Member Neary addressed the suggestion by Kathy Gordon concerning a change in the agenda. She would like to swap the audience participation with the Department Head’s Report on the agenda. Motion by Member Burns to change the audience participation from the first part of the meeting to the end. No second, Motion fails. Motion by Member Neary, seconded by Member Beseler to change the agenda and put the Department Head’s Report before the Mayor’s Report and the Audience after the City Attorney’s Report.

ROLL CALL:

Member Volter Absent Member Cornett Nay

Member Neary Aye Member Burns Aye

Member Beseler Aye Member Lynn Aye

Motion carried—so ordered.

Member Burns would like to know who made the decision to move the trucks behind the floodwall. Did we fix the problem or are we just kicking it down the road? We have two multi-million dollars companies using our streets. Why don’t we put up signs and have them clean the street at the same time each month? Mayor Baker noted, we spoke with Mr. Stark’s company and multiple trucking companies. It’s not to the point where it needs to be cleaned every month. It depends on the weather each month. We ask the trucking companies to take the riverside option because it was affecting less people/cars than going over Fourth Avenue and down Sixth Avenue. They’ve also agreed to clean the streets when we request with water trucks. We worked diligently and hard with the construction companies on this to make sure the least amount of people were impacted and the least amount of city money is used. Member Burns said it’s still not solving the problem.

Adjournment:

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

 Respectfully submitted,

 Donna Leger

 Clerk/Treas.

ATTEST:

Ben Baker

Mayor