CITY OF DAYTON

COUNCIL MEETING

Oct. 1, 2019

A regular meeting of Dayton City Council was held on Tuesday, Oct. 1, 2019 in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street. Dayton, KY.

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

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

Audience:

Nathan Krieger, 306 Fifth Avenue & 526 Sixth Avenue, supports the amended policy for CCAP that will be discussed later tonight. This will help a current business that wants to move to a larger location. The first time my wife and I visited Dayton we stopped to have lunch at Hometown Heroes. I’d like to say Tim & Crystal are the finest ambassadors for the city. After speaking with them we invested in property at 526 Sixth Avenue and 306 Fifth Avenue. If anyone deserves support from the CCAP Program, it’s them.

Elmer Perry, Third Avenue, was in attendance to promote the Reality Store at Dayton High School. This is a great experience for the Eighth Grade and Junior Class. The date is Oct. 11 from 9:00 a.m. – 11:00 a.m. Mr. Perry invited Mayor, Council, and department heads to stop down. The students take this very serious.

Laura Stanberry, 213 Lindsey St., would like to have Trunk or Treat in honor of Bob Slusher. Member Burns said this is a fantastic idea. Because of lighting, the best place will be the parking lot in the 600 block of Sixth Ave. Motion by Member Cornett, seconded by Member Burns to have Truck or Treat on Halloween in the city parking lot, 600 Block of Sixth Avenue. Comments: Member Burns would like to see the time extended from 5:00 p.m. – 8:00 p.m. Two hours is not long enough. Short discussion. It will be the same as Trick or Treat, 6:00 p.m. until 8:00 p.m.

ROLL CALL:

Member Cornett Aye Member Volter Aye

Member Burns Aye Member Neary Aye

Member Lynn Aye Member Beseler Aye

Motion carried-so ordered.

Mayor’s Report:

Mayor Baker will appoint a council person to each of the city boards. This person will attend the board meetings and report back to council. Let Mayor Baker know which board you would like to attend.

Motion by Member Neary, seconded by Member Beseler to approve the minutes from the Sept. 3 and Sept 10, 2019 council meeting. Motion carried—so ordered.

Ordinances & Orders:

Second 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.**

 This ordinances amends Chapter 37 of the City of Dayton Code of Ordinances as it relates to taxation by removing conflicting provisions so the ordinance operates in concert with the City’s tax ordinance, #2019-17.

 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.

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

 **TOM EDGE**

Motion by Member Burns, seconded by Member Lynn to approve 2019#16 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.

First Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2019-#18**

**AN ORDINANCE AMENDING ORDINANCE 2019-#17 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.**

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

Section I

That Ordinance 2019-#17, Section 3, Other Personal (Tangible) Property, is amended as follows:

An ad valorem tax rate of ~~[$.747~~] $.719 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 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: 10/1/19

Second Reading:

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

MAYOR BEN BAKER

ATTEST:

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

DONNA LEGER

CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2019#17R**

A MUNICIPAL ORDER ADOPTING THE AMENDED GRANT AWARD POLICIES AND PROCEDURES FOR THE COMMERCIAL COMMUNITY ADVANTAGE PROGRAM.

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

Section I

That the City has authorized a Commercial Community Advantage Program to award grants to businesses in the Community based on the amended Policies and Procedures as set forth and attached hereto.

Section II

That the City authorizes the Mayor to execute any contracts and agreements necessary to the execution of this program and to take necessary actions against any grant recipient in the event that the terms in these Policies or any additional conditions are breached.

Section III

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

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

MAYOR BEN BAKER

ATTEST:

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

DONNA LEGER

CLERK/TREASURER

**City of Dayton, Kentucky**

**514 Sixth Avenue, Dayton, Kentucky 41074**

**Commercial Community Advantage Program**

**Policies and Procedures 2019**

**I. PURPOSE AND POLICY.**

The City of Dayton is committed to the promotion of high quality development in the City’s downtown Central Business District and to an ongoing improvement in the quality of life for its citizens by enacting the Commercial Community Advantage Program (“CCAP”). The CCAP is split into three different types of grant awards which include: (1) rental abatement; (2) uniform signage; and (3) Façade and Structural Improvement.

The City desires to encourage superior businesses to locate, remain, and expand in the City. Furthermore, the City seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing these CCAP Policies and Procedures.

These Policies and Procedures are established in an effort to develop and expand the local economy by:

(a) Promoting and encouraging economic and small business development and redevelopment projects that enhance the City’s economic base;

(b) Diversifying and expanding job opportunities;

(c) Promoting and encouraging projects that create additional revenue for the city without substantially increasing the demand on City services or infrastructure;

(d) Reducing the number of blighted and/or vacant commercial properties; and

(e) Promoting tourism and interstate commerce.

The ultimate goal and public purpose of programs established hereunder is to protect and enhance the City’s fiscal ability to provide municipal services for the safety, comfort, health, welfare, and enjoyment of Dayton residents.

In furtherance of these objectives, the City will, on a case-by-case basis, give consideration to providing economic incentives to applicants in accordance with these Policies and Procedures as amended from time to time pursuant to the City’s authority under KRS 82.082.

All applicants shall be considered on a case-by-case basis. The city has the right to reject any and all applications for any reason.

The following is a list of policies for the City of Dayton, Kentucky and are applicable to Dayton’s Commercial Community Advantage Program (“CCAP”). Decisions for granting the awards should meet these policies. Each section of the program has an individual purpose with corresponding requirements that are unique to said section. Funding for this program runs on a fiscal year, and funding is limited for each program. CCAP is an evolving program and all policies and guidelines are subject to change as determined by Dayton City Council. The CCAP is subject to review and can be modified based on effectiveness, use, and demand. No incentive monies will be released until all requirements of these Policies and Procedures are met, the application is approved, and all requirements outlined in the specific sections are satisfied.

**II. DEFINITIONS.**

Applicant: The “Applicant” is defined as a person and/or business applying with the City of Dayton for grant funds under CCAP.

Award Term: The “Award Term” is defined as a three (3) year term starting from the date of the application approval by the City.

Arms Length Transaction: No party to the Lease Agreement, including Tenant or the business (includes owners, agents, servants, employees or assigns) is a relative of, business associate of, or shares any business interest with Landlord or Landlord’s Agent(s) (if applicable). Further, there shall be no hidden or implied terms or special understandings between the Tenant or the business and the Landlord which have not been made part of the written Lease Agreement.

Central Business District: The “Central Business District” is defined pursuant to City of Dayton Code of Ordinances 154.090 and as portrayed on the City of Dayton Zoning Map.

City: The “City” is defined as the City of Dayton, Kentucky.

Economic Development Director [~~Main Street Manager~~]: The “Economic Development Director [~~Main Street Manager~~]” is defined as the Economic Development Director [~~Main Street Manager~~] in City of Dayton Code of Ordinances 31.65 and he or she shall be responsible for the administration of CCAP.

City Administrator: The City Administrator shall be responsible for the administration of CCAP in the absence of the Economic Development Director [~~Main Street Manager~~].

Façade and Structural Improvement: A “Façade and Structural Improvement” is defined as an addition or alteration to real property that either:

* Substantially adds to the value of the real property, or appreciably prolongs the useful life of the real property.
* Becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself.
* Is intended to become a permanent installation.

**III. GRANT AWARDS.**

Grant Funds under CCAP are split into three different types which include: (1) rental abatement; (2) uniform signage; and (3) Façade and Structural Improvement. Each type is explained in detail in the following sections:

**A. RENTAL ABATEMENT.**

**i. Purpose.**

The rental abatement grant is available to [~~new~~] business tenants to alleviate some of the leasing costs incurred by these [~~new~~] small businesses that are starting up or relocating to the City. The rental abatement grant has a secondary benefit to property owners by reducing vacancies.

**ii. Eligibility.**

This grant is only available to [~~NEW~~] commercial leases [~~signed after March 7, 2017~~] for businesses opening or relocating in a commercial building in the Central Business District or within the R1-JJ Historic District (HD) Overlay Zone within one hundred (100) feet of an intersection with 6th Avenue. Eligible businesses can only receive benefits under this particular program section once. Businesses already located in the Central Business District are not eligible unless they are moving to a location in the aforementioned area at least 50% larger than their current facilities and have not previously received any CCAP funds. Subleases are not eligible and 75% of all sales must come from in-store sales (not online). No Applicant shall be eligible for a grant more than once.

**iii. Funding.**

The award grant may be up to 50% of the lease payment made by the business owner for **24** consecutive months and 25% for the remaining **12** months of the contract for a total incentive period of 36 months for any NEW business opening or relocating to a commercial building in Dayton’s CBD after March 7, 2107. There is a maximum award of $5,000/year for the first twenty-four (24) months, and maximum award of $2,500 for the last twelve (12) months per business. Funding for this grant is limited. Applicants will be considered on a first come, first serve basis. All grant funds are released on a reimbursement basis. The rental abatement program awards Funds under this type will be reimbursed to the tenant on a monthly basis based on the terms and conditions of the signed contract.

**iv. Additional Requirements.**

In addition to the General Requirements applicable to all Applicants for CCAP grant funds, Applicants of the Rental Abatement Grant must also adhere to the following:

**a.** Provide City with copy of Applicant’s lease which must include a locked in rental rate for thirty-six (36) consecutive months.

**b.** Complete Affidavit certifying that the proposed or agreed upon lease between the business and landlord is an Arm’s Length Transaction.

**c.** [~~Business must be initial start-up or relocate into the Commercial Business District. Any business already located in the Commercial Business District is not eligible for this Grant.]~~

**[~~d.~~]** Notify the City of Dayton, Attn: Economic Development Director [~~Main Street Manager~~], if any lease terms are modified during the term of the award grant.

**B. UNIFORM SIGNAGE.**

**i. Purpose.**

The Uniform Signage Grant is available to new businesses for the purpose of promoting these new and existing businesses while creating a uniform look.

**ii. Eligibility.**

The Uniform Signage Grant incentive is available to any new or existing business located in a commercial building in the Central Business District or within the R1-JJ Historic District (HD) Overlay Zone within one hundred (100) feet of an intersection with 6th Avenue. No Applicant shall be eligible for a grant more than once. Where feasible, blade signage is highly encouraged.

**iii. Funding.**

The City may award funds up to $1,500 per business to be used for the design, purchase, and installation of new decorative sign or awning. Funding for this grant is limited. Applicants will be considered on a first come, first serve basis. All grant funds are released on a reimbursement basis.

**iv. Additional Requirements.**

In addition to the General Requirements applicable to all Applicants for CCAP grant funds, Applicants of the Uniform Signage Grant must also adhere to the following:

**a.** Complete a Certificate of Appropriateness and submit their design to the Board of Architectural Review for approval.

**b.** Ensure the completed sign complies with Dayton Zoning Ordinances that address sign regulations.

**c.** Obtain sign permit for City through Campbell County Planning and Zoning Office (located at 1098 Monmouth Street Newport, Kentucky 41071).

**d.** Decorative blade signs are preferred, although other forms will be considered upon submission.

**e**. Signs are required to have external illumination and plans for such should be proposed in the initial submission of project details.

**f.** Ensure signs are kept at aconsistent height with the signs on either side of the proposed property.

**C.** **Facade and Structural Improvement Grant.**

**i. Purpose.**

The Facade and Structural Improvement Grant is available to assist new businesses and investors who have purchased to improve their facilities to ensure compliance with City Ordinances.

**ii. Eligibility.**

This grant is available to anyone who has purchased a commercial building in the City’s Central Business District or within the R1-JJ Historic District (HD) Overlay Zone within one hundred (100) feet of an intersection with 6th Avenue, who is considering: (1) starting a new business; (2) relocating an existing business not currently located in the Central Business District or within the Historic District (HD) Overlay Zone within one hundred (100) feet of an intersection with 6th Avenue, or (3) rehabbing or constructing a building with an existing business or first floor commercial space with the intended purpose of renting the space to a commercial business.

**iii. Funding.**

The City may reimburse up to thirty thousand dollars ($30,000) in matching funds for Approved Facade and Structural Improvement building costs. Once an application and work to be performed is approved and a full report is submitted by the Applicant for work completed with supporting documentation, grant funds will be released to the Applicant within 60 days of the construction projected being closed out. If the business leaves within the terms outlined in the grant contract the owner will owe to the city a percentage of the grant funds allocated for improvements as stated in said contract. Applicants will be considered on a first come, first serve basis. All grant funds are released on a reimbursement basis.

For building owners that will be locating their commercial business in the building the City will reimburse the building owner for 75% of the approved project costs up to a $30,000 maximum.

For building owners that are rehabbing the commercial building with an existing business or intend to rent or sell the City will reimburse the building owner 50% of the approved project costs up to a $30,000 maximum. Approved Costs may include but are not limited to:

**a.** Façade restoration and/or improvement\*

**b.** Major structural/electrical/plumbing improvements in need of repair and identified on a certified building inspection report. Includes repair or total replacement of the roof.\*

**c.** Additions/Expansion for commercial business use only\*

**d.** Added handicap accessibility features

**e.** Mold Removal

*\*Requires a Certificate of Appropriateness permit and possibly other permits per the Dayton City Ordinance.*

***Façade and Structural Improvements that benefit both the commercial and non-commercial square footage of a building will be reimbursed at the percentage determined by the following formula:***

***50% / 75% x (square footage of the commercial space ÷ total square footage of the building)***

Priority in determining approved costs for reimbursement shall be based on: (1) added value to property; (2) correcting/mitigating violations of City Ordinances; and (3) aesthetics in conformance with the Commercial Business District and Historic District. Other factors may be considered as deemed necessary on a cases-by-case basis by the City Administration and City Council.

**iv. Additional Requirements.**

In addition to the General Requirements applicable to all Applicants for CCAP grant funds, Applicants of the Façade and Structural Improvement program must also adhere to the following:

a. Obtain a Certificate of Appropriateness where necessary.

b. Obtain County building permits where necessary.

c. Agree to a lien being placed upon the property for the duration of the grant agreement.

**V. PROGRAM REQUIREMENTS.**

All Applicants that are granted funds must comply with all program requirements during the entire Award Term. Applicants are also encouraged to schedule quarterly meetings with the Economic Development Director [~~Main Street Manager~~] to discuss expectations, progress, and program concerns. The requirements of CCAP include:

**A.** A Completed Application, which shall include the following information:

1. Applicant and Co-Applicant Name, Address, Phone Number, and Email Address.
2. Employer Identification Number.
3. Proposed Property Location of Business (address, and PIDN).
4. Business Name, Address, Phone Number, and Email Address.
5. Business’s Registered Agent or Contact Person Name, Address, Phone Number and Email Address.
6. Business Plan with the following sections: Executive summary, company description, market analysis, organization and management, service or product line, marketing and sales backup, and financial history and projections.
7. Past Three Years Business Tax Filings.
8. Business Owner and Applicant’s work and management history.
9. Supporting information to demonstrate financial stability. Statement regarding prior business incentives received. It is a general policy to give a higher priority to applicants that have received no incentive previously.

**B.** A City of Dayton Occupational License.

**C.** No outstanding or unpaid fines, orders, taxes (including income and payroll taxes), or bills, for the Applicant either at this proposed business location or at other locations.

**D.** A Signed Grant Contract between the Applicant and the City.

**E.** Completed Initial and Final Building Inspections through the City, Bellevue Dayton Fire Department and County Planning and Zoning Office or any combination thereof as deemed necessary. Inspections will also be scheduled before and after an approved construction project has taken place. Inspections can also occur at any time while under Award Term.

**F.** Compliance with all City of Dayton Ordinances. This shall include compliance with all zoning/building/health/fire codes, air quality codes, plus any other applicable statues and regulations. Generally, there should NOT exist any code citations against any subject property under current ownership within the past 12 months from the application date

**G.** Status Reports. Applicants shall report information about the business to the Economic Development Director [~~Main Street Manager~~] on a yearly basis following the approval of grant funds through the duration of the Award Term.

**H.** Provide detailed invoices AND receipts for work completed and/or documents submitted for proof of purchase and rental agreements.

**I.** Agree, in writing, that any grant of funds is conditioned upon the new business remaining in the operation in the City of Dayton for a term outlined in the specific contracts related to the awarded grant. The term begins on the date outlined in grant contract.

**VI. APPLICATION AND APPROVAL PROCESS.**

 **A. APPLICATION SUBMISSION.**

Every Applicant must complete a program application specifying which type(s) of the grant funds under CCAP the Applicant desires to pursue. The applicant must attach all required documentation outlined within the application and as required in these Policies and Procedures for the different types of grants requested. Each section of the CCAP will require specific supplemental documentation for the desired grant section. Both the application and supporting material should be submitted to the City of Dayton, Attn: Dayton Economic Development Director [~~Main Street Manager~~] /City Administrator. It is highly encouraged for all interested parties to meet with the Economic Development Director [~~Main Street Manager~~] or City Administrator before filling out and submitting an application.

Applicant(s) should also be aware that upon submission of an application the parties involved become subject to a criminal and financial background checks. Any work started before the approval of an application and a signed contract will not be reimbursed through the grant.

**B. REVIEW OF APPLICATION.**

Each application will be reviewed in the order in which they are received. All applications will be reviewed for compliance and accuracy by the Economic Development Director [~~Main Street Manager~~] /City Administrator. During this process the applicant may be required to submit additional information for clarity. After review, the Economic Development Director/City Administrator will make determination to approve [~~and approved~~], with or without conditions, or reject[~~ion~~] the request. The City Administration may deny a request for any reason.

**C. POST-APPROVAL REQUIREMENTS.**

If the grant funds are approved, the Applicant(s) will be required to sign a grant contract with the City specific to their approved type of grant funds awarded.

Any work started before the approval of an application with a signed contract will not be eligible for the CCAP program. If approved, funding will be released according to the contract for the designated program section.

After a grant has been approved and contract signed, Applicants are encouraged to submit proof of purchases and receipts as they are received. However, an Applicant may not submit for reimbursement any costs not outlined in the program application and agreed contract between the applicant and the City.

**VII. PROGRAM COMPLIANCE.**

Applicants shall comply with all Program Requirements as administered by the Economic Development Director [~~Main Street Manager~~] /City Administrator. An Applicant is Non-Compliant if the Applicant fails, either through action or lack of action, during the application phase or Award Term, to abide by the CCAP Policies and Procedures or the terms of the signed contract. The Economic Development Director [~~Main Street Manager~~] /City Administrator shall make the determination of whether an Applicant is non-compliant.

If at any time, an Applicant is deemed Non-Compliant, the Applicant may have the grant award suspended and be liable to repay all funds under the grant.  Should repayment of grant award funds be required, the City may place a lien on any real or personnel property belonging to the Applicant. The Applicant shall also pay all costs and expenses incidental to any action taken by the City, including attorney’s fees, as a result of the Applicant’s Non-Compliance.

An Applicant will not be penalized, however, if the Applicant can demonstrate that adverse and generally accepted negative economic conditions impacted the ability of the Applicant to complete the project. However, this should not include poor management or factors that could have been prevented or foreseen.

An Applicant may challenge the determination of non-compliance by the Economic Development Director [~~Main Street Manager~~] by appeal to the City Council in writing within thirty (30) days of the initial determination by the Economic Development Director [~~Main Street Manager~~].

**VIII. CCAP ADMINISTRATION.**

**A. REPORTING.**

The Economic Development Director [~~Main Street Manager~~] /City Administrator will on a quarterly basis review all CCAP grants and report to the City Council for the purpose of review and departmental oversight.

**B. DISTRUBTION OF GRANT FUNDS.**

Grant funds shall be distributed ~~a~~t different intervals depending on the type of the grant that has been approved for funding. At a minimum these requirements must be met before any work or actions may begin and monies will be released, the Applicant shall provide detailed invoices AND receipts for work completed and/or legal documents submitted for proof of purchase and rental agreements.

Motion by Member Volter, seconded by Member Cornett to approve 2019#17R as read. Comments: Member Cornett confirmed that there was no effective date for the application from Hometown Heroes. City Adm. Giffen said Hometown Heroes has already completed an application. Member Burns said he has no problems with the changes, but this program started as a three year program. It needs to be completely re-evaluated. It’s now going into year five. Member Neary noted the changes are not just for one business. If a business is denied CCAP now they have the right to come before council and state their case. This money is coming out of the Economic Development Fund. Bob Yoder, Economic Development Director, was asked about last year’s expenditures. Mr. Yoder said it was over $100,000. Member Neary feels the program has been great. Member Burns again noted we need to look at this entire program. Once the money in the Economic Development account is gone, it’s gone.

ROLL CALL:

Member Lynn Aye Member Beseler Aye

Member Volter Aye Member Cornett Aye

Member Neary Aye Member Burns Aye

Motion carried—so ordered.

City Administrator’s Report:

Handicap parking request from Audrey Petrakis, 1226 Sixth Avenue. Ms. Petrakis meets all the requirements of the ordinance. Motion by Member Burns, seconded by Member Neary to approve the handicap parking request. Motion carried—so ordered.

The city advertised for sealed bids for 1019 Maple Avenue. The top bidder was Joe Holaday, who bid $1,100.00. Motion by Member Volter, seconded by Member Lynn to accept the bid. Motion carried—so ordered.

The city advertised for sealed bids for 916 Sixth Avenue. The top bidder was Terrance Brown, who bid $5,050.00. Motion by Member Cornett, seconded by Member Volter to accept the bid. Comments: Will this fall into the category of the five year tax abatement ordinance? Mr. Yoder said the property owner can apply. Member Neary & Member Beseler voted nay. Motion carried—so ordered.

The city advertised sealed bids for a lot on O’Fallon Avenue. The top bidder was Brendan Sullivan who bid $50,000. Motion by Member Volter, seconded by Member Cornett to accept the bid. Comments: City Att. Edge said the other bidder was the City of Bellevue and they bid $11,100.00. Upon payment Mr. Sullivan will be given a clear title. Member Burns mentioned a semi-truck that is parking on the O’Fallon lot. City Att. Edge said that is not the city lot. Motion carried—so ordered.

The garbage collection for some residents will change the week of October 14th. Wednesday, Thursday and Friday will be collection days in the city. A map of the days and what area will be collected is on the city web page. Republic is also going to mail a flyer to each resident. Council is worried there will be a lot of confusion since no flyer have been mailed out to date.

There will be a Planning & Zoning meeting here tomorrow at 7:00 p.m.

In September the Water Company started on a major water main replacement on Ervin Terrace. This will be a long process, hopefully wrapping up before Christmas. Several sidewalks and curbing in this area will also be fixed. The Sanitation District will be involved. How late in the year can they repave the streets? Will this be paved this year or will we have to wait until spring? City Adm. Giffen said this was a concern of his also. He brought up this issue at a construction meeting. They’ll try their best to get it done this year.

Department Head’s Report:

Robert Yoder, Main Street Manager, reported the city had two ribbon cuttings last month:

Unataza Coffee at 620 Sixth Ave., and Hickory Dickory Dock Retro Candy, 530 Sixth Ave. The Main Street Board had the city wide yard sale on Sept. 21, and the Fall Fest on September 28.

Grants:
ROW phase is wrapping up. Once KYTC approves, we can work on getting approval to go out for construction bids. The city received an Urban Forestry Grant for $750 to plant street trees in the 1000 and 1100 Block of Fifth Avenue. We also applied for a Campbell County Extension Environmental Stewardship Grant to install pollinator gardens along the Ahrens’ Way Trail.

Walk Dayton: This project received a $500 grant from the NKY Health Department. Signs are currently being made. Not much going on at Sargeant Park. Council needs to decide what they would like to happen at Sargeant Park. The Water Company has opened up the pathways.

Phil Liles, Director of Codes, submitted a copy of his report. Fifty-six cases were closed in September and sixty-five letters sent out. A copy of the new “Nuisance Violation” letter was given to council. This warning letter is sent to the homeowner after they receive two nuisance activities notices. If you receive another within the time frame your property will be cited as a Chronic Nuisance and result in a civil fine of $500.00 for the first offense. Member Neary responded, do you think this is enough? Should we make them vacate their property? Is a $500.00 fine enough? Phil Liles, Director of Codes, noted we have a lot of issues at Speers Court. We could site them often. Do we want to run people out of town? Then we have the vacant property issue. Yes, I think hitting them with $500.00 hurts. Mr. Liles felt the ordinance is working for the most part, we haven’t had multiple offenders yet. Member Burns noted we want to solve the problem not make money.

Chris Adkins, Fire Chief, submitted a copy of his report. The burn ban is still in effect. The next Fire Board Meeting is October 16th. The county did not get the grant for the radios.

David Halfhill, Police Chief, submitted a copy of his report.

Petitions:

Member Neary submitted a petition from Curtis Belcher, Dayton Pike. He is asking for permission to have a fundraiser for the Young Marines on November 9 from 10:00 a.m. – 2:00 p.m. at Sixth & Berry. They will also be at the monument the following Monday for the Veteran Day Service. Motion by Member Cornett, seconded by Member Beseler to allow the fundraiser. Motion carried—so ordered.

Unfinished Business:

The comprehensive plan has been posted on line for a few weeks. It will go to the Planning & Zoning Board and then come back to council for approval.

Member Neary asked about council’s decision to have a four way stop at Sixth & Berry Avenue. I know we are running into road blocks with KYTC. Member Neary asked what rights the city has, can we go ahead and make the change. City Att. Edge said the city has no right over the traffic lights. City Adm. Giffen noted, the last update I have is KYTC said they would come back and do another study when school starts. City Adm. Giffen said he cannot get a return call from the State Department. He is not sure if the study has been done or not. City Adm. Giffen will continue to try and contact someone.

Member Burns thanked Donna Leger, Clerk/Treasurer, and staff for their work on getting the tax bills ready. Also, thanks for the monthly check register which is given to council. You and your staff do a great job.

Member Lynn asked for an update on the St. Bernard property. City Adm. Giffen said we are currently waiting. We have the first draft of the study. It’s in the final stages.

Member Neary asked about the demo plan for the burnt out properties on Brooklyn Avenue. City Adm. Giffen will send out bid request in the next few weeks. We also have some houses on Ervin Terrace that need to be demolished. Member Burns suggested getting the house on the corner of Ervin Terrace torn down before the paving is done. The heavy equipment will ruin the paving.

New Business:

Special event application for GoReach Dayton. Request to have a Chili Cook Off at Gil Lynn Park on Thursday October 17th from 6:00 p.m. until 8:30 p.m. All in favor.

Member Cornett announced the Dayton Civic Club will host a haunted house starting Oct. 3, at 625 Second Avenue. The Mayor and I will be the first ones to go through, and I’d like to invite council to go with us on Thursday.

Trick or Treat will be held on Thursday, Oct. 31 from 6:00 p.m. – 8:00 p.m. Member Cornett suggests that going forward trick or treat will be on Halloween from 6:00 p.m. – 8:00 p.m. Member Burns suggested 5:00 p.m. – 8:00 p.m. He does not think two hours is long enough. Discussion. Trick or Treat will be on Halloween from 6:00 p.m. – 8:00 p.m. All in favor.

Member Neary announced DHS Homecoming parade is Friday at 5:30 p.m. The football game starts at 7:00 p.m., and the dance is Saturday Night. Please come out and support everyone.

It’s important the city be counted, complete the census and vote on Nov. 5th.

Has the publishers of unsolicited fliers been notified. We are still getting these. City Adm. Giffen and City Attorney Edge are discussing and working on this.

Member Volter reminded everyone of the Front Porch Concert at Sixth & Vine. This Saturday from 6:00 p.m. – 11:00 p.m. Music, food and drinks.

Executive Session:

Mayor Baker entertained a motion to go into executive session to discuss KRS 61.810 (b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency. Manhattan Harbour Tif District. Motion by Member Volter, seconded by Member Neary to go into executive session. Motion carried—so ordered.

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

Adjournment:

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

 Respectfully submitted,

 Donna Leger

 Clerk/Treas.

ATTEST:

Ben Baker

Mayor