CITY OF DAYTON

COUNCIL MEETING

Nov. 5, 2019

A regular meeting of Dayton City Council was held on Tuesday, Nov. 5, 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:

Kathy Gordon, 314 Fourth Avenue, applauded the city on all the grants they have received in the last 16-18 months. What portion does the city have to pay? City Adm. Giffen said the Riverfront Commons Grant is in three phases. In phase one we can use in-kind land as a match. In phase two the design is 20% of $850,000, and in phase three the design is 20% of $1,000,000.00. The sidewalk bump outs will be 20% of $350,000. These are the major grants we’ve received. Before we apply for a grant, the City Adm. makes sure we have money available for the match. Ms. Gordon said she cannot imagine the sidewalk on Dayton Pike getting much use. Member Volter disagreed. Adults & kids go up and down Dayton Pike. This is a very dangerous situation. This is a safety issue. This money is part of the Safe Way to School Grant. City Adm. Giffen noted this sidewalk will eventually connect into a sidewalk in Ft. Thomas. Ms. Gordon advised, the city needs to be fiscally responsible. City Adm. Giffen is always reviewing the budget.

Becky Shanks, 819 Fifth Avenue, has a personal concern. She does not feel that any type of sign or yard sign should be placed in the Monument area. This is a memorial to war heroes. She is also concerned with Political Signs in this area. This is a sacred area, it has a special meaning to me. Council agreed, no signs should be placed in the monument.

Mayor’s Report:

The Mayor would like to appoint a council member to attend each board meeting. Council Members will let the Mayor know which city board they are interested in attending. The trash pickup schedule has changed. Trash is now picked up on Wednesday, Thursday or Friday. With the upcoming Thanksgiving Holiday, Thursday pickup (11/28) will be picked up on Friday, and Friday pickup (11/29) will be picked up on Saturday. The digital city sign has been removed. The sign was not working property and has out dated software. The sign will be donated to the Dayton Heritage Museum.

Mayor Baker honored Jeff & Mary Ann Hansman with a proclamation and key to the city. For over forty years, Hansman’s Corner Market & Deli (formerly known as AmeriStop) has been a mainstay in the community. Thanks for all your years of service to the community.

Motion by Member Volter, seconded by Member Lynn to approve the minutes from the Oct. 1, 2019 meeting. Motion carried—so ordered.

Second 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.**

This ordinance amends Ordinance 2019-#17 as it relates to the imposition of personal (tangible) property taxes for the City of Dayton from $.747 cents to $.719 cents on each one hundred dollars of assessed valuation of personal property (other than motor vehicles and motorboats).

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 Volter, seconded by Member Lynn to approve 2019#18 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-#19**

**AN ORDINANCE CLOSING AND ABANDONING AN .08 ACRE UNIMPROVED PORTION OF SILVER STREET.**

**WHEREAS,** the City Council finds that it has identified all of the property owners in or abutting the unimproved portion of Silver Street as described by this ordinance to be closed;

**WHEREAS,** those property owners are: **(a)** Jennifer and Mark Glassmeyer, 1112 Locust Avenue, PIDN 999-99-08-494.01 (Deed Book 725/Page 57); and **(b)** Tim Rechtin, 1021-1025 Edwards Avenue, PIDN 999-99-08-444.00 (Deed Book 791/Page 545);

**WHEREAS,** the City Council finds that written notice and notarized consent to the closing was given to the property owners prior to institution of action to close the unimproved portion of Silver Street (attached and incorporated herein as Exhibit A); and

**WHEREAS,** the City of Dayton Planning Commission met on October 2nd, 2019 to consider the vacation of the unimproved portion of Silver Street and approved closure of the same.

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

Section I. That the .08 Acre unimproved portion of Silver Street (the plat of which is attached hereto as Exhibit B and made part hereof by reference pursuant to KRS 83A.060(9)) is hereby ordered closed and abandoned without further action. That said right-of-way is more particularly described in the legal descriptions marked Exhibit C which is attached hereto and incorporated herein.

Section II. Having made the findings above, said right-of-way is deemed closed and abandoned without further action pursuant to KRS 82.405(2). Also, pursuant to KRS 82.405(2), the City Attorney is directed and authorized to record a copy of this ordinance with all its attachments including the plat and waivers/consents with the Campbell County Clerk’s office.

Section III. Once this ordinance closing the said right-of-way is recorded, the City shall convey one-half (1/2) of the right of way to each abutting property owner as determined by law.

Section IV. Once this ordinance closing the said right-of-way is recorded, all plats and maps of the City of Dayton, Kentucky, including the official zoning map and all maps of the comprehensive plan of the City shall be considered amended to reflect said closing.

Section V. This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

MAYOR BEN BAKER

ATTEST:

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

DONNA LEGER

CITY CLERK/TREASURER

City Administrator’s Report:

Handicap parking request from Violet McGlothin, 135 Fifth Avenue. Ms. McGlothin meets all the requirement of the ordinance. Motion by Member Cornett, seconded by Member Burns to approve the handicap parking request. All in favor.

Request for a text amendment. The Economic Development Committee met with staff and a new property owner, to discuss his business plan for his building. We discussed an opportunity that we think will be good for the community, but in order to go forward with that the Planning & Zoning Board will need to look at a potential text amendment. Then, this would come back to council for discussion and final approval. Motion by Member Volter, seconded by Member Cornett to allow Planning & Zoning to recommend a potential text amendment change to our zoning ordinance. Comments: Member Neary asked, what is the text amendment? City Adm. Giffen does not know at this point. At this point we only have ideas. The business is in an R1JJ (single-family) Zone. I can’t speak specifically at this point. It will go to Planning & Zoning and then we’ll get their report. This is mostly a use issue. All in favor. Motion carried so ordered.

Mayor Baker would like to appoint a committee of three to review the dumpster ordinance. He would like Member Beseler, Member Volter and asked if anyone else would like to volunteer to be on the committee. Member Beseler said he is working two jobs and cannot commit at this time. Member Neary said he will volunteer. City Adm. Giffen will send out an e-mail.

City Adm. Giffen reported on the Ervin Terrace project. The work is on schedule to be completed sometime in December. They can pour blacktop as long as the weather is 40 degrees or above. Hopefully they’ll be able to complete the blacktop in December. SD1 and the Water Co. will wait until the right time. The sidewalks and curbs should be completed this year unless we get some extremely cold weather. No guarantees. Member Burns said there is no way the blacktopping will be completed this year. The citizens up there deserve better. Member Burns is not happy with the water company. Member Volter said he understands but you have to weigh the good and bad. The bad is the street may not get fixed this year and the good is the water issues on Ervin Terrace will be much improved when finished. We’re at the mercy of the utility companies. They operate on their schedule. The good thing is the work is getting done, and at a reasonable cost to the city. City Att. Edge said the utility companies are not responsible for Acts of God. As long as they are trying to complete in a timely manner they cannot control the weather. Member Burns said the street is in bad shape. This project was supposed to be done last year.

Department Head’s Report:

Chris Adkins, Fire Chief, submitted a copy of his report. The Water District is done with the hydrants so now we’ll start to winterize them. This will be posted on the city web page. Mayor Baker thanked the Fire Department for all their work with the children this past month.

Sargeant Marksberry, Police Department, was in attendance for Chief Halfhill who is out for training this week. The Chief will update any information needed upon his return. Member Burns said the parking area on Dayton Pike has become a haven for bad activities according to the neighbors up there.

Robert Yoder, Economic Development Committee, reported on the Dayton Flea. We had our last Dayton Flea in October - it didn’t take off as well as we hoped. The Main Street Board has put a committee together to plan for the 2020 Dayton Flea.

In spite of the cold Trunk or Treat was a great success. Eight groups handed out candy. Thanks to everyone who participated. This was a great tribute to Bob Slusher. Also thanks to Alex for the cotton candy.

The former Waffles & Wecks should re-open this month as a new restaurant. Ketcham Flooring is finishing up their show room, and I’d expect to have a ribbon cutting this month. We currently have three spaces for rent in the CBD. There will be a BAR meeting on November 12 at Hometown Heroes. The BAR has put together a committee to create a Historic Preservation Award for Dayton. Check the Dayton Community News for Articles on Historic Preservation.

The SRTS/TAP Grant ROW phase is wrapping up, and we have a timeline to get it out to bid around March 1, 2020. Depending on KYTC moving forward in a timely manner.

The bus stop in front of Avenue Pharmacy has been moved to the 100 block of Sixth Avenue. Member Beseler asked if Mr. Yoder went through Tank. Yes, Mr. Yoder did work with Tank. Member Beseler was concerned that this change did not go through council. In the future Member Beseler would like this to be ran by council to see if council has any issues. Any plans for a shelter? Mr. Yoder said we could, but we already have one in that block.

Phil Liles, Director of Codes, submitted a copy of his report. In October that were 58 letters mailed out. Of those letters 48 was violations and 12 citations. Twenty four cases were closed. In the spirit of Halloween, Ms. Dragon, Principal at Lincoln Elementary School, won a free Halloween make over from B105. Of course, Principal Dragon was made over as a Dragon. Thanks to Chief Halfhill for escorting B105 and Ms. Dragon to Lincoln School for the big reveal in front of the students. It was very fun and positive for the city and school.

Petitions:

As of Jan. 1st Member Burns would like to suspend all of the CCAP reimbursements except for rental abatements. This was supposed to be a three year program and we are in year four. Since this program started the city has given in excess of $200,000.00. By the time we pay out for the existing rental abatements it will be in excess of a quarter of a million dollars. Motion by Member Burns, to suspend the program as of Jan. 1, 2020 but still honor the existing contracts. We must honor our commitments. Comments: Member Burns said the Mayor sent out an e-mail that we are going to be about $39,000 short in funding. We can’t keep spending this money because it’s not there. No, we do not have a $2,000,000.00 surplus. Member Neary said he agrees with a few points. Most of this money we are using is from the sale of the Marina and yes we do have to be careful with this money. It’s not like taxes where it gets re-energized every year. We need to think about our return on investment. We had seven or eight empty store fronts, now they’re full. Member Neary would like to see any city property that sells go back into the Economic Development Fund. Right now it’s working pretty well and we’ve had very few issues. In the next year we are looking at 900 new residents coming into town. They’ll be looking for places to go. Member Volter agrees with redefined and streamlining the program but does not agree with just doing away with the program. We’ve been pretty successful. Member Cornett noted we’ve eliminated some expenditures already. Right now we’re just doing rental abatements and signage. Member Giffen noted the program has changed every year since we started. That was the intention, to review it yearly. A lot of what has driven the heavy investment in the last two years was the revamping of the structural improvement and the façade. We do have a structural improvement and façade grant that we needed to honor this year. After that only signage and rental abatements are now permitted. This will be reviewed again next budget. Member Neary also noted, if we have another project we can stop the CCAP Program at any time. City Adm. Giffen only spends what council approves. Member Burns sees a loop hole in the program. The rental abatement money is paid to the business owner. What happens if in the third year the renter does not pay the landlord and keeps the money? This needs to be addressed. Mayor Baker asked for a second to the motion. No second. Motion fails.

Planning & Zoning Meeting will be held here tomorrow at 7:00 p.m. in reference to the Comprehensive Plan. Then it will go to a sub-committee of council.

Member Neary would like to sit down with Bellevue and talk about the traffic issues in each city. With the new apartments behind the floodwall, traffic will be an issue. We need to be pro-active and discuss this now. Member Volter noted there are smart traffic lights now that operate off the flow of traffic. City Adm. Giffen agreed, it should be Dayton, Bellevue and Newport discussing traffic issues. Mayor suggested contacting Jack Moreland, Southbank, to put this meeting together. Member Burns would like to see the Riverfront Developer open up the Berry Street exit. This will help with traffic on O’Fallon.

The Young Marines will have a fund raiser at Sixth & Berry this Saturday.

New Business:

Our flags will be at half-staff this week to honor the educators we lost. Mr. Stidel’s visitation will be in the DHS gym this Sunday.

Adjournment:

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

Respectfully submitted,

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor