CITY OF DAYTON

COUNCIL MEETING

December 3, 2019

A regular meeting of Dayton City Council held on Tuesday, December 3, 2019, 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.

Audience:

Kathy Gordon, 314 Forth Avenue, would like Council to consider moving the audience time to the end of the Council meeting rather than the beginning.

Mayor’s Report:

The city has been working with the Water Company to get Ervin Terrace repaved by mid-December weather permitting. The mayor appreciates everyone’s patience and apologizes for any inconvenience that it may have caused. Member Burns stated blacktop couldn’t be laid when the temperature gets below 40 degrees and feels that weather permitting in not good enough. City Adm. Giffen said the city has been working with SD1 and the Water Company for two years, and the timing of this project is not great with the weather, but this project is needed because of all the water main breaks that caused damaged to the sidewalks and road.

Mayor Baker congratulated City Administrator Giffen for being awarded City Manager of the Year by his peers.

Brendan Sullivan, the Developer for Manhattan Harbour, advised Council that financing is approved for the additional phases. Since the plans changed from single-family to multi-family, we are now butting up against some of the setback requirements on the back-lot lines. The Developer is asking for land where the property line is now to the trail. Keep in mind the rip-rap, and the sewer easement goes through this area; it’s non-buildable. We won’t need 20 ft on each lot, and this amount will slightly vary down the river because it depends on the lot & each building. I am asking for the Council’s approval to allow us to go beyond the set backlines and take a portion of the land as part of the Plat.

I also have talked to City Admin. Giffen and Mayor Baker about a maintenance issue with the rip-rap wall that is there now, we would like that area to be maintained by the city or owned by the city. Member Neary asked what the mixed-use setback is. The Developer stated it’s 20 ft on the rear set backline, and we are probably a few feet beyond that. We are here in front of Council per Cindy Mentor’s recommendation from Campbell County Planning & Zoning to get approval. On your maps in front of you, we want the area where the lots slope down. Our buildings will come down to the edge of where that is, and we will be infringing upon the setback but will not affect the rip-rap. The setback is dictated in the Pattern Book. Member Volter is concerned about building right up to the edge of the rip-rap. The Engineer stated there is no danger to the rip-rap because the sewer easement is probably 5 or 6 ft in front of that.

Member Cornett asked if this should go to Planning & Zoning instead of Council. City Admin. Giffen stated the Developer met with Planning and Zoning. The question is, should the Developer come to Council or go to the Board of Adjustments. If they go to the Board of Adjustments, it's more tedious because the Developer would need to go to the Board every single time. Council controls the land element. Member Volter questioned how much land the Developer is asking for. The Developer stated that for now, we are asking for down where the path is, the feet for each lot will vary. The Engineer said we are unsure of the exact number. There will be no interference to the trail path.

City Admin. Giffen said if Council agrees with the Developer’s plan tonight, then the next step would be for myself and City Att. Edge sit down to ensure that anything Council gives up in those areas won’t impede where KZF has designed the trail system. The Developer is asking tonight for the potential of 20 ft maximum, but it will vary in some areas. Member Neary would like something to be in writing for who is responsible for the rip-rap maintenance, that City Funds are not required to maintain the rip-rap where the developer owns and who will retain ownership of the rip-rap once the Developer has completed building and sold the lots. Member Neary requested if this decision can wait until January. The Developer stated no, and he has no problem having the Engineer do a survey and come up with some paperwork clarifying some concerns that Council has tonight.

Member Volter asked the Developer how many lots do you need to have approved tonight? The Developer stated lots 7-9 on the Commons to the West and lots 4-9 at the Lookout. Mayor Baker asked what the Developer would like Council to do tonight. City Admin. Giffen stated Council could grant whatever land is necessary to meet the rear-set back contingent upon reviewing with the City & KZF that it’s not to impede on any current trail system or trail system under design. A separate contract could be brought up in January for some of the other main issues we are talking about tonight. I would recommend agreeing to the lots the Developer is referring to today and grant whatever feet they need for each lot to meet that 20 ft set back.

Motion by Member Volter, seconded by Member Lynn to approve the additional land necessary for 7-9 in the Commons and 4-9 in the Lookout, contingent upon the approval of the city manager, mayor, and city attorney.

Comments:

Member Cornett questioned about adding being contingent upon a maintenance agreement. Member Volter and Member Lynn amended the motion to approve the additional land necessary for 7-9 in the Commons and 4-9 in the Lookout, contingent upon the approval of the city manager, mayor, and city attorney and a maintenance agreement.

Roll Call:

Member Lynn Aye Member Beseler Aye

Member Volter Aye Member Cornett Aye

Member Neary Aye Member Burns Nay

Motion carried – so ordered.

Mayor Baker approved Member Volter to the OKI Board.

Motion by Member Burns, seconded by Member Cornett to approve the minutes from November 5, 2019 meeting. Motion -carried so ordered.

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO.2019#19**

**AN ORDINANCE CLOSING AND ABANDONING AN .08**

**ACRE UNIMPROVED PORTION OF SILVER STREET.**

This ordinance closes and abandons the unimproved portion of Silver Street and returns the property to the adjacent property owner, the City of Dayton, in accordance with the Kentucky Revised Statue.

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 said summary is a true and accurate summary of the contents of the ordinance.

**TOM EDGE**

Motion by Member Cornett, seconded by Member Volter to approve Ordinance 2019 #19 as read.

Comments:

Member Burns stated there are problems with water run-off & drainage in that area and wanted to know if this could make the problem worse. City Admin. Giffen said he doesn’t know what the owner has in the plan, but the land is not buildable, the owner could be combining the lots together.

Roll Call:

Member Volter Aye Member Cornett Aye

Member Neary Aye Member Burns Aye

Member Beseler Aye Member Lynn Aye

Motion carried- so ordered.

City Administrator Report:

Handicap Parking Application for Raymond Ooten, 822 Sixth Avenue. The applicant meets all requirements for the ordinance. Motion by Member Burns, seconded by Member Cornett, to approve the Handicap Application for Raymond Ooten. Motion carried- so ordered.

Motion by Member Burns, seconded by Member Lynn, to approve the $100.00 annual longevity for each employee. Motion carried- so ordered.

There is a Planning & Zoning meeting tomorrow at 7 pm at the Dayton Independent School Administration Building.

Department Head’s Report:

Police Chief Halfhill stated he submitted two reports to the Council; he was absent last month for the meeting. Council has October and November stats. Chief Halfhill said Sergeant Marksberry would graduate December 13 from a leadership program with the Criminal Justice Department.

Fire Chief Adkins submitted a copy of his report. The fire department completed their fire hydrant inspection and said there were only five wet hydrants reported to the Water Department. There is a Fire Board Meeting on December 18, 2019.

Economic Development Bob Yoder said two new businesses are opening soon. Ketchum Flooring will be at 604 Sixth Avenue and Galactic Fried Chicken at 620 Sixth Avenue. The Main Street Board will be providing hot chocolate and cookies for Light Up Dayton. I am working on a grant with Greenworks Ohio River Valley to submit a grant request to Amazon to address invasive species eradication on stream bed restoration in Sargeant Park. The Main Street Board will not meet in December.

Board of Architectural Review is having on Holiday Decorating contest. Share pictures of your decked halls at [daytonkybar@gmail.com](mailto:daytonkybar@gmail.com) or message us at Facebook <https://www.facebook.com/daytonkybar/> .

The winner will be selected on December 23, 2019. The Dayton Board of Architectural Review will highlight nominees on their Instagram and Facebook pages throughout December.

Member Neary has a question with the CCAP program. He asked if there is a way for people who have received signage grant money that does not have a light on their sign, if we can request, they get their signs lit per the CCAP contract.

Member Cornett stated that the Civic Club has always been responsible for the flowerpots around the city. After talking to Economic Development Bob Yoder, the Main Street Board will start decorating the flowerpots.

Code Officer Phil Liles submitted a copy of his report and said he wrote 43 letters for November. Thirty-one letters were for Violations; twelve were for Citations. He closed 27 cases and tagged 14 vehicles and towed 4 vehicles. Speers Court showed up to their hearing to get their Nuisance Citation reduced. The board upheld the fine, and Speers Court has since paid the fine and removed the manager.

Member Cornett questioned the status of the green space and dog park issue at the Monument. Code Officer Phil Liles stated he is working on this.

Unfinished Business:

City Admin. Giffen and Member Volter met and discussed the Dumpster & Storage Pod Ordinance. As the ordinance reads now, it allows 7 days for the dumpster and a $75 deposit. City Admin. Giffen and Member Volter would like to amend the ordinance to allow 10 days with a 10-day renewal and 90 days with active building permits and to do away with the deposit but have a $20 non- refundable fee. With no comments or objections, this will be brought to Council in January.

New Business:

Mayor Baker wished everyone a Happy Holidays!

Member Cornett reminded everyone that Light Up Dayton is this Sunday, December 8, 2019, from 2 pm -6 pm at the YMCA. The tree lighting will be at the Monument at 6:30 pm.

Member Burns would like a light or gate to be installed at the New Parking lot on Dayton Pike because of a stolen vehicle being reported up there.

Adjournment:

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

Tiffany Myers

Assistant Clerk/Treas.

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor