CITY OF DAYTON

SPECIAL COUNCIL MEETING

May 5, 2020

A special meeting of city council was held on Tuesday, May 5, 2020, 7:00 p.m. Due to the current pandemic, the meeting was viewable to the public via electronic media and the web. The link to the meeting was posted to Dayton’s website at [www.daytonky.com](http://www.daytonky.com) and the Facebook page 48 hours prior to the meeting.

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

Mayor’s Report:

I’m proud of council, and the city staff. We are hoping to open as soon as we can. I’ve been in contact with Jay Brewer, Supt. Dayton Independent Schools, in reference to the Senior Class. They have some plans in place for the seniors. We are very proud of our seniors. I’d like to thank the Park Board for all the work they’ve done at Sargeant Park. This is 19 acres of space, fresh air, and great outdoor activity. Hopefully we will be taking reservations soon.

One of the hardest things I’ve had to do is reschedule the Memorial Day Parade. The parade has not been cancelled, just postponed at this time. I’ve been working with the VFW & Parade Committee to set a new date. There will be a small service (10 or less people) at the Monument on Memorial Day.

Public Comments Section:

Mayor Baker read the response/question from Anthony Cadle:

Wanted to say thanks to all City Employees in recognition of Public Employee appreciation week. I know your jobs are not easy, but you are truly appreciated. The great City would be much lesser a place without you.

Questions:

I know it’s challenging with COVID 19, but wasn’t sure if there is an action planned to follow the Order 2020#6 supporting the 2020 Census. Given, we have a fresh Comprehensive Plan, these numbers are extremely important. With Dayton’s size we really cannot rely on ACS data; meaning this Census data is the best (arguably only) toll we will have to draft and make policy decisions for the next 10 years. Can Dayton host a virtual information session? Support is great, but we really need to show said support in other ways.

Mayor Baker noted yes we can host a virtual information session. We’ve done very well with this. City Adm. Giffen suggested inviting the regional census coordinators sometime in May or June. In the first part of 2020 we were ahead of the state average but have slightly fallen behind on census reporting. Member Volter suggested a reminder at the city businesses that are offering carry out. Possibly putting a note in the take out bag. This would get out to several people. Or we could post something in the windows of the businesses. At this time we are not sure when the census workers will be going house to house or if they will at all. It’s been a few months since we’ve met with the regional liaison. Member Neary thinks the number of rental units maybe hurting our turnout. For this reason the current occupants may not have received the census paperwork. Could you explore with the census bureau how they are handling those situations? Let’s make Dayton Count. Mr. Yoder will reach out to the regional census coordinator tomorrow.

Ordinances & Orders:

Second Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#2**

**AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTS TO THE CODE OF ORDINANCES OF THE CITY OF DAYTON, KENTUCKY.**

This ordinance adopts and enacts the supplements to the City of Dayton Code of Ordinances as published by American Legal Publishing Corporation of Cincinnati, Ohio. This adoption adopts and codifies the ordinances through 2019.

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.

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**TOM EDGE, Esq.**

**Motion by Member Lynn, seconded by Member Volter to approve ordinance 2020#2 as read. Comments: These are changes made to the official code book and online application. These are the ordinances approved in 2019.**

**ROLL CALL:**

**Member Burns Aye Member Neary Aye**

**Member Lynn Aye Member Beseler Aye**

**Member Volter Aye Member Cornett Aye**

**Motion carried—so ordered.**

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#3**

**AN ORDINANCE AMENDING THE PROCUREMENT PROCESS FOR PARKING SPACES FOR PERSONS WITH DISABILITIES.**

This ordinance amends the application and approval process under City Ordinance 72.12 by authorizing the City Administrator to designate parking spaces for persons with disabilities instead of City Council.

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.

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**TOM EDGE, Esq.**

Motion by Member Neary, seconded by Member Beseler to approve 2020#3 as read. Comments: Member Neary thinks it’s a good move putting this under the administration.

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 OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#4**

**AN ORDINANCE AMENDING THE PENALTY FOR VIOLATION OF CHAPTER 91 OF THE CITY CODE OF ORDINANCES RELATED TO ANIMALS.**

This ordinance amends the penalty for violation of sections 91.03 (titled “License Required”), 91.04 (‘Maximum Number of Dogs Permitted”), 91.05 (“Dogs and Cats to be kept Under Control of Owner”), 91.06 (“Noise Disturbance Prohibited”); and 91.07 (“Removal of Excrement Required”) from a civil fine of $250.00 under the City Civil Fine Schedule to a civil fine of $50.00 per offense.

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.

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**TOM EDGE, Esq.**

**Motion by Member Cornett, seconded by Member Neary to approve 2020#4. Comments:**

**Member Neary wanted to clarify the change was only in the penalty section, correct.**

**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 OF DAYTON, KENTUCKY

**RESOLUTION NO. 2020-5R**

A RESOLUTION BY THE CITY OF DAYTON, KENTUCKY, TO SUPPORT APPLICATION BY THE CITY FOR A GRANT FROM 2020 RECREATION TRAILS PROGRAM.

**WHEREAS**, the City desires to develop recreational resources to provide for the health and well-being of the general public by means of developing a recreational trail within the city limits; and

**WHEREAS**, the City intends to submit an application for a grant from the 2020 Recreation Trails Program for funding of up to maximum twenty percent (20%) of the proposed project costs estimated at $175,000.

**NOW, THEREFORE BE IT RESOLVED,** BY THE CITY OF DAYTON, KENTUCKY to hold in reserve twenty percent (20%) of the proposed project costs for the purpose of matching the grant from the 2020 Recreation Trails Program; and

**BE IT FURTHER RESOLVED**, BY THE CITY OF DAYTON, KENTUCKY that in the event a grant is awarded, the City understands and agrees to sign assurances to comply with all applicable federal and state laws, rules and regulations, including but not limited to Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act as it relates to this grant.

So Adopted this 5, day of May 2020.

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Cornett, seconded by Member Volter to approve 2020-#5R as read. Comments: Member Burns wanted clarification on the estimated amount. Is it $75,000 or $175,000? City Att. Edge said the city was going to apply for the Water Conservation Fund Grant that was $75,000 and they changed an applied for the Recreational Trails Grant for $175,000. An updated e-mail was sent out in reference to the change. Mr. Yoder, Economic Development, said the $75,000 grant was a 50/50 match. The Recreational Trails Grant is an 80/20 match for $175,000. We’ll get more bang for our buck. We most likely won’t hear anything before October. With the ways these grants go, it would be another year or so before we could get started. Member Cornett would like to know what the money will be spent on. Mr. Yoder said this will be for a canoe & kayak landing ramp on the Ohio River. We’ll use the existing ramp still there from several years ago. Mr. Yoder showed a slide show presentation of the area. This is not for boats. Just for carry in or a place to store a canoe/kayak. Mr. Yoder spoke with Wiseman Construction and they estimate the cost to be $125,000 - $175,000. Member Beseler ask what fund the 20% would come from. Mr. Yoder said this money could come from whichever fund the city wanted. Member Beseler is worried about maintenance. The Public Works department is already busy and no longer has jail workers. Why not put this at Manhattan Harbour? Member Cornett explained it cost money to launch from the Marina. City Adm. Giffen explained the city has an easement for the River Trail. Member Neary questioned the ramp on O’Fallon Avenue. Member Giffen explained this is not a ramp but a road used by SD1. Currently there is not an easy was to get to the ramp. When the area where Queen City Riverboats is developed, a parking lot will be added. Member Cornett likes this idea. It’s giving something back to the citizens. Member Volter noted the area could also be used for fishing off the riverbank/dock. Member Neary is concerned about the long term maintenance, cleaning and repair. He has budget concerns. The city would need to set aside $35,000. Mr. Yoder noted the city can at any time return the grant. Returning the grant will not count as a bad mark against the city. It will not affect future grants. Member Burns noted he cannot vote because his copy has $75,000 and we’re saying it’s now $175,000.00. Member Cornett said the change was in an e-mail to council on Friday.

ROLL CALL:

Member Neary Nay Member Burns Nay

Member Beseler Nay Member Lynn Aye

Member Cornett Aye Member Volter Aye

Tie Vote – Mayor Voted Aye – Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

**RESOLUTION 2020-6R**

**A RESOLUTION SUPPORTING THE 2020 CENSUS.**

**WHEREAS**, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

**WHEREAS**, the City of Dayton is committed to ensuring every resident is counted; and

**WHEREAS**, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; and

**WHEREAS**, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for an accurate and fair redistricting of state legislative seats, and local voting districts; and

**WHEREAS**, information from the 2020 Census is vital tools for economic development and increased employment; and

**WHEREAS**, the information collected by the census is confidential and protected by law; and

**WHEREAS**, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council that the City of Dayton is committed to partnering with the U.S. Census Bureau and the Commonwealth of Kentucky and will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information;

2. Encourage all residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;

3. Support census takers as they help our City complete an accurate count; and

4. Strive to achieve a complete and accurate count of all persons within our borders.

Approved and adopted at a regular meeting of the City of Dayton on the 5, day of May 2020.

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Volter, seconded by Member Lynn to approve 2020#6R as read. Comments: We support the census. It easy and simple to complete.

ROLL CALL:

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Member Burns Aye Member Neary Aye

Motion carried—so ordered.

City Administrator’s Report:

Update on the Ervin Terrace Project. SD1 has wrapped up the lateral line work. The streets should be open to thru traffic. There is still some equipment there. SD1 will be working on some concrete patch work, curbs and sidewalk. Riegler Paving will be in as soon as possible. I’ll keep you updated.

Update on Manhattan Harbour. Brendan Sullivan closed on The Narrows, this area is just east of the future Berry Street Connector. Within 90 days he plans to start construction on this site, as well as on lots 7, 8, 9 and 12 of The Commons and lots 4-9 of The Lookout. This will represent about $20,000,000 working of development getting under construction in the next three months.

Update on some special projects. The sidewalk bump outs on the Avenue and Dayton Pike Project has had no change. The right of way plans have been submitted to the State. Still waiting for approval from the State. This is on pace to be let out for construction this year.

The same thing for the Riverfront Commons Project. The State is reviewing the 60% design work. We’re hoping that will be complete soon so we can start the construction phase.

The finance committee will have a conversation on Friday to go over the first draft of the budget. Sometime next week this will be shared with the rest of council. May will be very busy working with the budget.

Mayor Baker is proud of our city, the residents and city staff. Stay safe and healthy at home. I can’t wait to see everyone out at our restaurant and parks.

Adjournment:

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

Respectfully submitted,

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor