City of Dayton

Special Council Meeting

Nov. 17, 2020

The City of Dayton, Kentucky will hold a special council meeting that will be viewable to the public via electronic media and web on Nov. 17, 2020. The link to the meeting will be posted to Dayton's website at www.daytonky.com and Facebook page 48 hours prior to the meeting. The special city council meeting will begin at 7:00 p.m.

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

Motion carried—so ordered.

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

Mayor’s Report:

I’m excited to announce we have a new Police Chief. We reviewed 16 resumes. I’m happy to welcome back Chief David Halfhill.

The city has a new flag. The new flags will be displayed in the Spring of 2021. Thanks to Mr. Dew, Dayton resident, for the flag design.

The city has a new auto speed sign on Sixth Avenue. This will help to slow down speeders, and give data to the Police Department.

Motion by Member Cornett, seconded by Member Burns to approve the minutes from the Oct. 8, 2020 meeting. Comments: Member Burns suggested whenever possible could the citizens meet the new code enforcement officer. Mayor Baker noted, Cassie Patterson is doing a very good job. If any resident would like to meet her they can call the city building and schedule a meeting.

ROLL CALL:

Member Neary Aye Member Burns Aye

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Motion carried—so ordered.

Second Reading:

# CITY OF DAYTON KENTUCKY

# ORDINANCE NO. 2020-#13

**AN ORDINANCE AMENDING, UPDATING, AND ADOPTING THE CITY OF DAYTON COMPREHENSIVE PLAN.**

 This ordinance adopts the amended and updated Comprehensive Plan based on the reasoning and findings of fact of the City of Dayton Planning & Zoning Commission.

 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**

Motion by Member Volter, seconded by Member Neary to approve 2020#13 as read. Comments: Member Neary asked when this process started. City Adm. Giffen said over two years ago, but it’s been done for about a year. We’ve held off because of Covid, and other issues. The Comprehensive Plan is updated every five years. It will be five years from the adoption date tonight for the next update. City Adm. Giffen mentioned this is a game plan for council and the administration. This will be put on the city web page. I encourage everyone to look at the document. It’s a guide for all of us to use. Member Beseler suggested adding Historical Preservation the next time the plans is updated.

ROLL CALL:

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Member Burns Aye Member Neary Aye

Motion carried—so ordered.

Second Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#14**

**AN ORDINANCE AMENDING ORDINANCE 2020-#8 SETTING FORTH COMPENSATION AND NUMBER OF AUTHORIZED POSITIONS FOR EMPLOYEES UNDER THE DAYTON JOB CLASSIFICATION SYSTEM.**

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

**SECTION ONE:** Compensation ranges for employees and number of authorized positions under the Dayton Job Classification System shall be as follows:

 Position (No. Authorized) Pay Range

City Administrative Officer (1) 50,000.00 - 90,000.00

Assistant City Administrator (0) 22,000.00 - 36,000.00

City Clerk/Treasurer (1) 35,000.00 – 70,000.00

Ass't City Clerk/Treasurer (2) 25,000.00 - 39,000.00

Administrative Secretary (0) 24,000.00 - 35,000.00

Chief of Police (1) 45,000.00 – 85,000.00

Police Captain (0) 39,000.00 – 70,000.00

Police Lieutenant (1) 39,000.00 – [~~65,000.00~~] 72,000

Police Sergeant (2) 39,000.00 – 60,000.00

Police Corporal (1) 34,700.00 - 55,000.00

Police Officer (10) 31,000.00 –53,000

Police Recruit (0) 30,000.00 - 33,500.00

Part-time Patrol Officer (2) 15.00 - 17.00 per hour

Police Clerk (1) 8.00 – 19.00 per hour

Superintendent, Public Works (1) 35,000.00 – 60,000.00

Crew Leader (1) 25,000.00 – 45,000.00

Laborer (3) 10.00 - 19.00 per hour

Laborer (23 hrs/week) (0) 7.00 - 12.00 per hour

Seasonal Laborer (4/1-10/31) (2) 7.00 – 13.00 per hour

City Codes Director (1) 22,000.00 – 50,000.00

City Inspector (0)

Blight Inspector (20 hrs/week) (0) 14.90 - 18.00 per hour

Janitor (10 hrs/week) (0) 7.00 - 11.00 per hour

Recreation Director (0)

Economic Development Director (1) 30,000.00 - 50,000
[~~Neighborhood Project Coordinator (1) 18.00 – 21.00 per hour~~]

**SECTION TWO:** Unless otherwise stated, the compensation stated in Section One shall be a yearly amount based upon the normal number of hours required for each position under the Job Classification System and does not include overtime pay as authorized under the Employee Personnel Policy.

**SECTION THREE:** City Council may, by resolution, authorize the payment of a yearend bonus to any or all employees in an amount not to exceed One Hundred Dollars ($100.00)

**SECTION FOUR:** Any and all ordinances including or portions thereof in conflict herewith are hereby repealed.

**SECTION FIVE:** 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.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: Oct. 8, 2020

Second Reading:

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Lynn, seconded by Member Volter to approve 2020#14 as read. Comments: Member Burns noted the Lieutenant will be making more than the Captain. City Att. Edge reported the Captain’s position has zero as number of authorized positions. This position cannot be filled without amending the ordinance. Member Burns would like to know when a crew leader in public works will be hired. The city needs to keep good workers. Mayor Baker relies on his department heads for suggestions. This is not the best time to hire another person in public works. It will be done as soon as we can. Member Burns said, we just gave a $7,000 raise in the police department. City Adm. Giffen said a fulltime person in Public Works would cost $60,000, including benefits. We do not have any extra money in the public works budget. Member Cornett feels we need to increase the amount of workers in the public work’s department. Maybe the check we received for Covid could go towards a new public works employee. City Adm. Giffen said the money helps, but just buys us a year or two. We all agree, more workers are needs in public works. The issue is the money. Member Cornett would like to have a meeting of the budget committee. Member Volter would like to increase the laborer (23 hrs. /week) to five days per week. City Adm. Giffen noted we have a supervisor, two fulltime laborers, and one seasonal laborer in public works at this time. Member Volter said he is leaning with Member Burns and Member Cornett, we need to expand that department. The extra money in the police department was available because Chief Halfhill was gone for two months. Plus, he no longer receives benefits through the city, such as health insurance and CERS. Member Neary would like the administration and council to meet with the public works department to talk about this issue. Member Beseler would like to see if public works has any suggestions on tools they might need to make their job easier.

ROLL CALL:

Member Cornett Aye Member Volter Aye

Member Burns Nay Member Neary Aye

Member Lynn Aye Member Beseler Aye

Motion carried—so ordered.

First Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#15**

**AN ORDINANCE AMENDING REGULATIONS FOR THE ISSUANCE OF TEMPORARY PERMITS FOR DUMPSTERS AND PORTABLE STORAGE UNITS.**

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

## Section I

That the following sections shall be amended in the Code of Ordinances for the City of Dayton:

**CHAPTER 96 – STREETS, SIDEWALKS, AND PUBLIC WAYS.**

##

**§96.40 DUMPSTERS AND OTHER RECEPTACLES FOR DEMOLITION AND CONSTRUCTION DEBRIS.**

**(A)** No person shall place a dumpster or other receptacle for demolition or construction debris in or on any yard, street, or sidewalk until he or she submits an application to and obtains a permit (hereinafter “dumpster permit”) from the Code Enforcement Department.

**(B)** The Code Enforcement Department may issue a dumpster permit for a period not to exceed seven (7) days, for the purpose of containing demolition or construction debris while the applicant conducts rehabilitation or construction work at the location identified in the application. The Code Enforcement Department may grant an extension of up to seven (7) days upon showing of good cause by the applicant. Such devices must be placed upon private property unless some physical condition exists that would prohibit placement in the yard or driveway. If the device cannot be placed on private property it may be placed on a city street directly in front of the property of the permit holder.

**(C)** Every person desiring a dumpster permit shall make application in writing, to the Code Enforcement Department, stating the location where the dumpster is to be placed, the name, address and phone number of the owner or agent of the property to be served by the dumpster, the name and phone number of the solid waste company or owner of the dumpster, and any other information that the Code Enforcement Department may reasonably require. The permit application must be accompanied with a dumpster permit fee of $20.00. ~~[$75.00 which shall be returned to the applicant after the expiration of the permit unless the provisions of this section are not complied with.~~]

**(D)** Every person responsible for the placement of a dumpster or other receptacle for demolition or construction debris must comply with the requirements listed on the dumpster permit.

**(E)** The city may cause to have a dumpster or other receptacle for demolition or construction debris removed from its location in the city, at the expense of the person responsible for its placement, if:

(1) The person responsible for the placement of the dumpster has not obtained a dumpster permit from the Code Enforcement Department; or

(2) The dumpster permit issued by the Code Enforcement Department - or an extension thereof - has expired; or

(3) A person who obtains a dumpster permit places the dumpster at a location different that the location identified in the application for the permit; or

(4) Refuse is placed in the dumpster from location(s) other than the location identified in the application.

**§ 96.41 PORTABLE STORAGE UNITS.**

**(A)** No person shall place a portable storage unit or similar container on any yard, driveway, street or sidewalk until he or she submitted an application to do so and obtains a permit (hereinafter “portable storage unit permit”) from the city’s Code Enforcement Department.

**(B)** For purposes of this section a portable storage unit is defined as a transportable unit designed and used primarily for temporary storage of building material, household goods, personal items and other material for use on a limited basis on residential property.

**(C)** The Code Enforcement Department may issue a portable storage unit permit to allow the placement of a unit not to exceed seven (7) days from the date of the issuance of the permit. The Code Enforcement Department may grant an extension of up to seven (7) days upon showing of good cause by the applicant. Such devices must be placed upon private property unless some physical condition exists that would prohibit placement in the yard or driveway. If the device cannot be placed on private property it may be placed on a city street directly in front of the property of the permit holder.

**(D)** Every applicant shall provide the location of the temporary portable storage unit, the name, address, phone number and e-mail address (if applicable) of the owner or agent of the property to be served by the temporary portable storage unit; and the name address, phone number and e-mail address (if applicable) of the service company that provides the temporary portable storage unit and any other information that the Code Enforcement Department may reasonably require.

**(E)** The permit application must be accompanied with a dumpster permit fee of $20.00. ~~[$75.00 which shall be returned to the applicant after the expiration of the permit unless the provisions of this section are not complied with.~~]

**(F)** Any device which is placed in violation of this section or is not removed at the end of the time for which it is authorized by the city to remain in place may be removed by the city, with prior notice of not less than twenty-four (24) hours, and the cost of such removal, together with the cost of administration of its removal, shall be reimbursed to the city by the applicant.

## 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2020#12R**

A MUNICIPAL ORDER DECLARING CITYOWNED REAL PROPERTY AS SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF REAL PROPERTY CONSISTING OF A VACANT LOT COMMONLY LOCATED AT 117 4TH AVENUE.

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

Section I

That the City of Dayton, in accordance with the provisions of KRS 82.083, hereby makes the following findings:

1. That it is in the public interest for the City to declare as surplus an unaddressed vacant lot of real property commonly located adjacent to 117 4TH Avenue, identified with a PIDN of 999-99-09-446.00.

1. That the intended purpose of the property described herein at the time of purchase is unknown.

1. That it is in public interest to sell or dispose of the property because the real property as it does not serve any current or future public interest.

1. The method of disposition is to be sold by sealed bids pursuant to KRS 82.083(4).

Section II

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

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MAYOR BEN BAKER ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Nov. 17, 2020

Motion by Member Cornett, seconded by Member Neary to approve 2020#12R as read. Comments: Member Neary would like to know why the city is only selling this lot. We have several vacant lots. City Adm. Giffen had a person approach the city about selling this lot. If council agrees to sell the lot it will be listed in the Campbell County Recorder. The lot can be sold with certain conditions. Council is in full control. The ad will read the city can reject or accept and or all bids. **Member Cornett loses internet connection at 7:48 p.m**. Member Neary would like to have a listing of all the city lots. This lot is in an RIJJ Zone. Member Burns would like to put a minimum bid on the lots. **Member Cornett regains internet connection at 7:55 p.m.** Member Burns noted this lot has a gravel road. City Att. Edge noted a gravel driveway is not permitted. City Adm. Giffen said in the agreement with the developer of the Gateway Flats the gravel will be removed when the project is completed. Member Neary would like to see the intended purpose included with the bid.

ROLL CALL:

Member Burns Aye Member Neary Aye

Member Lynn Aye Member Beseler Aye

Member Volter Aye Member Cornett Aye

Motion carried—so ordered.

**authorizing resolution for coronavirus relief fund**

**CITY OF DAYTON, KENTUCKY**

**RESOLUTION 2020#13R**

ADOPTION OF A RESOLUTION OF THE DAYTON CITY COUNCIL AUTHORIZING THE FILING OF A CORONAVIRUS RELIEF FUND (“CRF”) APPLICATION FOR REIMBURSEMENT OF INCURRED EXPENSES IN CRF FUNDS WITH THE DEPARTMENT FOR LOCAL GOVERNMENT (“DLG”); AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY DLG TO REIMBURSE THE CITY; AND AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED CORRESPONDENT FOR REIMBURSEMENT.

**WHEREAS,** City of Dayton desires reimbursement for expenses incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (“COVID-19”) on behalf of the residents of Dayton; and

**WHEREAS**, it is recognized that CRF funds are available to the City, pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), and impose certain obligations and responsibilities upon the City that require among other things:

1. Approval of a satisfactory application by the City transmitted to DLG for approval; and
2. Other obligations of the City in connection with receiving the CRF funds for the purposes stated herein.

**NOW, THEREFORE,** be it resolved this 17th day of November 2020 by Dayton City Council:

That a CRF application on behalf of the City for CRF funds for reimbursement of expenses incurred by City due to the public health emergency with respect to COVID-19 shall be submitted to DLG; the Mayor shall provide such additional information and furnish such documentation as may be required; and authorize the Mayor to act as the authorized correspondent for reimbursement.

Approved and adopted at a regular meeting of the City of Dayton on the 17th Day of November 2020.

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 MAYOR BEN BAKER

ATTEST:

DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Neary, seconded by Member Beseler to accept 2020#13R as read. Comments: City Adm. Giffen said the city has already received funds on the first Coronavirus Relief Fund but heard there maybe more money available and we want to be ready when these funds are available. Mayor Baker thanked City Adm. Giffen for putting the city first in line. Kudos to City Adm. Giffen for his hard work on this project.

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:

The City received two bids for the surplus police cruisers. One bid was for all three vehicles at $551.51 per vehicle. The second bid was for unit #212 for $1,000.00. I recommend we sell unit #207 and the K-9 unit for $551.51 each to one of the bidders and sell unit #212 for $1,000.00 to the second bidder. Motion by Member Cornett, seconded by Member Volter to sell as presented. Comments: Member Neary asked if these were the only bids. Yes, replied City Adm. Giffen. All in favor.

The FDBD is taking bids for the purchase of a new ambulance or a remount on a new chassis. These bids will then go to the Fire Board and each city’s administration. The ambulance we have now is eight years old. Member Giffen has earmarked the amount of money that would be the city’s share. It’s in the General Fund, but not in a separate account.

 Update on the Riverfront Commons and Safe Route to school grant. There is a tab on the city web-site under what’s happening. I have the plans and pictures of the progress. KYTC has received the encroachment permit. We’re just waiting on the final document. This project should be ready to bid out this winter. On the Riverfront Commons phase #2 there are a few issues. We’re still waiting on the State to approve the environmental documents. There are also a few issues on the Tapestry right-away construction easement. Adjusting the grade will solve this issue. This will be bid out later this winter.

In reference to the Manhattan Harbour Development Agreement, Mark Stark attended the council meeting last month, and council asked Mr. Stark for a completion date concerning the Berry Street Connection. He agreed on Dec. 31, 2021 or sooner. Mr. Stark now says he is not willing to sign an updated developer’s agreement, but is willing to work hard and make this a goal of his. If things look better maybe Dec. 31, 2022. Another option to speed things up is we get the plans from Cardinal Engineering and bid out the project ourselves. We secure a loan or bond and work out a deal with Mr. Stark. We can use the TIF money he receives to pay the loan. The Tif money is currently $120,000 a year and will go up each year. We could get this started next year and keep our payment at or below the $120,000. The downside is it will cost more money than if Mr. Stark was doing the work. It may also effect the payout on the new city building. City Adm. Giffen strongly recommends thinking about taking on this project. In January or February Mr. Stark may have a better idea of where this project stands. Mr. Stark would get the permit through the county, the permit will cost something. Member Cornett is in favor of the city taking on this project. Member Volter would like a project manager included in the bids. None of us are capable. He’s in favor, the sooner the better. Member Burns noted if we do this and Mr. Stark does not complete the road way, what has been accomplished. Member Giffen said Mr. Stark will complete the road. He has a vested interest. Mr. Stark is holding a substantial bond on the road. It would allow the city to finish the road if he walks away. We don’t have to decide today. We’ll need to amend the local TIF Agreement and deal with the Army Corp of Engineers. Member Neary would like to move forward with the 2022 date, then start the process. Is this legal? City Att. Edge said yes, as long as it’s in writing.

Member Giffen will work with Cassie Patterson, Code Enforcement, and Rick Lucas, Supt. Public Works on giving council a monthly report. Month by month we can bring department heads to the zoon meetings. Member Cornett would like to see more communication between the departments. I knew nothing about the dog signs, trees, water garden on Dayton Pike and we need minutes from all the boards. Mayor Baker instructed Bob Yoder, Economic Development Director, to make sure all the minutes are available to council and the public. The Park Board has had outside meetings and the Civic Club had a zoom meeting last week. We’re trying to make the meetings as public as possible.

CITY ATTORNEY’S REPORT:

City Att. Edge provided council with a list of properties that he would like to foreclose on. Motion by Member Cornett, seconded by Member Lynn to approve the foreclosure list. Comments: Member Burns would like to know why we let something go for nine years. City Att. Edge reported this is a vacant double lot with low tax value. We lose tax dollars by starting the collection process. The standard practice is to wait 3 years and 2 years with code fines. After this we start foreclosure proceedings. The properties on the bottom of the list have already been filed. The city is not controlling the ship on these. We’re just along for the ride.

ROLL CALL:

Member Volter Aye Member Cornett Aye

Member Neary Aye Member Burns Aye

Member Beseler Nay Member Lynn Aye

Motion carried—so ordered.

Mayor Baker thanked everyone for attending the virtual meetings. We are doing the best with what we have. Congratulations to Member Cornett on the birth of her granddaughter.

The city did not receive any input from citizens.

Member Neary received a petition from a resident concerning the safety issue at Fifth & O’Fallon. Member Neary will discuss this in private with administration.

Adjournment:

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

 Respectfully submitted,

 Donna Leger

 Clerk/Treas.

ATTEST:

Ben Baker

Mayor