

CITY OF DAYTON
COUNCIL MEETING
JUNE 2, 2015

A regular meeting of Dayton City Council was held on Tuesday, June 2, 2015, in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay St., Dayton, Kentucky.

ROLL CALL:

Mayor Boruske	Aye	Member Gifford	Aye
Member Neary	Aye	Member Lynn	Aye
Member Burns	Aye	City Adm. Giffen	Aye
Member Tucker	Aye	City Att. Edge	Aye
Member Baker	Aye		

Mayor Boruske opened the meeting with a moment of silent prayer and led the Pledge of Allegiance.

City Administrator's Report:

Request from Judy Bias, 920 Seventh Avenue and Robert Meyers, 1011 Sixth Avenue for a handicap parking space. They both meet the requirements. Motion by Member Gifford, seconded by Member Lynn to approve both spaces. Motion carried- so ordered.

Cargill was the lowest bid in the reverse salt auction. Cargill bid \$75.95 per ton. If we accept the bid they require us to purchase a minimum of 240 tons and we are locked in to that price up to 360 tons. Most vendors participated in the reverse auction. Motion by Member Gifford, seconded by Member Burns to accept the bid from Cargill. Motion carried—so ordered.

Dayton Police and Bellevue Police received a \$100,000.00 Homeland Security Grant for new cameras. This was bid out and only one bid was received. The bid was received from Monitor Closely. Motion by Member Burns, seconded by Member Baker to award the bid to Monitor Closely. Comments: Member Burns is concerned about Homeland Security because of talks that this program is going away. Member Burns wants to make sure no money is spent before the grant is received. Motion carried—so ordered.

Special event application received from the First Baptist Church on Dayton Avenue. They request Dayton Avenue Sixth to Fifth Avenue be closed on June 12, 2015 from 4:00 – 9:00 p.m. This is family night for Vacation Bible School. Motion by Burns, seconded by Member Tucker to approve the application from the First Baptist Church. Motioned carried – so ordered.

Special event application received from Hometown Sluggers League. This is for an adult softball fundraiser tournament at Gil Lynn Park. The dates are July 24-26. Kim met with the Park Board and they are aware of the event and have it on their calendar. Motion by Member Lynn, seconded by Member Baker to allow the softball tournament on the date's request. Motion carried—so ordered. Member Tucker asked why council is approving this and not the Park Board. Mayor Boruske said because it's a special event application.

Special event application received from Restoration 10-4/Unite to Pray. They would like to hold their event from Sept. 11 at noon until Sept. 12 at noon, at the Town Center, Sixth & Berry Avenue. The event is titled "Take a knee" against Heroin. Motion by Burns, seconded by Member Gifford to allow the event at the Town Center. Motion carried—so ordered.

Request to close a non-improved portion of upper Belmont Road. This request was from property owners that boarder the road to vacate that portion of the road. City Adm. Giffen has the necessary signatures. Motion by Member Burns, seconded by Member Lynn to allow City Adm. Giffen and City Att. Edge to work on the ordinance to close the road. Motion carried—so ordered.

The residents are very confused about the 100 Block of Fifth Avenue. Is it a one way street or a two way street? The cars still park going west. The street was changed to a two way street last year. The reason it was changed was because the entrance on O'Fallon Avenue to Fifth Avenue was closed for a short period of time. For safety reasons it would be best to make this a one-way street again, from East to West towards O'Fallon. Member Burns asked if the residents had been asked what they prefer. City Adm. Giffen said no. Motion by Member Burns, seconded by Member Lynn to make the 100 block of Fifth Avenue one way going towards O'Fallon Avenue. Comments: Member Baker would like to table this until the residents are contacted. Member Neary said Fifth and O'Fallon is a seven way stop. It's a nightmare. It may be premature to close at this time. We need to have a traffic study done first. City Adm. Giffen said we have already had two traffic studies.

ROLL CALL:

Member Tucker	Nay	Member Lynn	Aye
Member Baker	Nay	Member Neary	Nay
Member Gifford	Nay	Member Burns	Aye

Motion fails.

Public works will start working on flood gates at 5:30 am tomorrow. They should be finished early Thursday morning. The Corp of Engineers will then inspect the gates. The inspections need to be done every five years.

Consent Agenda:

Motion by Member Gifford, seconded by Tucker to approve the minutes from the May 5, 2015 minutes as received. Motion carried- so ordered.

Ordinance & Orders:

Seconded Reading:

CITY OF DAYTON, KENTUCKY

2015-#4

AN ORDINANCE ESTABLISHING A MAIN STREET BOARD AND MANAGER TO REVITALIZE, MAINTAIN AND PROMOTE THE HISTORIC DISTRICT.

This ordinance creates a Main Street Board which will through the implementation of a Main Street Program, be responsible for revitalizing, maintaining and promoting the City's Historic District while maintaining its character and integrity. The Board shall primarily focus on the City's Central Business District within the Historic District. The Board shall have the ability to create a

corporate entity. The Board will consist of five, seven, nine, or eleven persons who will be appointed by the Mayor for staggered four year terms. The members will elect a president, vice-president, secretary, and treasurer annually.

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 Gifford to approve 2015 # 4 as read.

ROLL CALL:

Member Baker	Aye	Member Neary	Aye
Member Gifford	Aye	Member Burns	Aye
Member Lynn	Aye	Member Tucker	Aye

Motion carried—so ordered.

Second Reading:

CITY OF DAYTON, KENTUCKY

2015- #5

**AN ORDINANCE ESTABLISHING A CIVIC ACTIVITIES
BOARD TO PARTICIPATE AND ORGANIZE SOCIAL
AND CULTURAL EVENTS IN THE CITY.**

This ordinance creates a Civic Activities Board which will participate and organize public social and cultural events within the City. The Board will consist of five persons who will be appointed by the Mayor for staggered four year terms. The members will elect a president, vice-president, and secretary for each two year term.

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 Baker to approve 2015 # 4 as read.

ROLL CALL:

Member Gifford	Aye	Member Burns	Aye
Member Lynn	Aye	Member Tucker	Aye
Member Neary	Aye	Member Baker	Aye

Motion carried—so ordered.

First Reading:

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2015-#6**

**AN ORDINANCE ADOPTING THE CITY OF DAYTON,
KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR
JULY 1, 2015 THROUGH JUNE 30, 2016, & ESTIMATING
REVENUES AND RESOURCES AND APPROPRIATING
FUNDS FOR THE OPERATION OF CITY
GOVERNMENT.**

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

Section I. That the annual budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016, is hereby adopted as follows:

Resource Available	General Fund	Municipal Road Aid
Fund Balance Forward	404,060.50	256,607
ESTIMATED REVENUES:		
Property Tax	1,254,000	
Licenses and Permits	1,088,400	
Intergovernmental	65,773	140,000
Fines & Penalties	39,500	
Charges for Services	373,250	
Other	351,182	125,000
Interest	4,000	700
Total Estimated Revenue	3,176,105	265,700
Total Resources Available for Appropriation	3,580,165.50	522,307
APPROPRIATIONS:		
General Government	393,329.65	
Police Department	1,149,764.98	
Fire Department	957,239	
Public Works	323,105.23	
Building Services	79,967.27	
Waste Collection	240,000	
Professional Services	456,865	492,307
Main Street	74,894.37	
Total Appropriations	3,675,165.50	492,307
Excess of resources over/under appropriations	(95,000)	30,000
Transfers from other funds	95,000	

Transfers to other funds	0	30,000
Estimated fund balances	0	0

Resource Available	Park Board Fund	Park Tax
Fund Balance Forward	98,965	0
ESTIMATED REVENUES:		
Miscellaneous	2,000	
Charges for Services		
Other		
Interest	200	
Property Tax		99,362
Total Estimated Revenue	2,200	99,362
Total Resources Available for Appropriation	101,165	99.362
APPROPRIATIONS:		
Salary	12,500	
Utilities	5,750	
Operations	6,650	
Repair/Maintenance	10,750	
Miscellaneous	1,500	
Capital Expense	0	
Total Appropriations	37,150	0
Excess of resources over/under appropriations	64,015	99,362
Transfers from other funds	38,362	
Transfers to other funds		99,362
Estimated fund balances	98,377	0

Resource Available	Urban Renewal	Sargent Park
Fund Balance Forward	628,941	38,158
ESTIMATED REVENUES:		
Charges for Services	12,000	
Other (Interest)	900	200
Intergovernmental	10,500	
Total Estimated Revenue	24,000	200
Total Resources Available for Appropriation	652,941	38,358

APPROPRIATIONS:		
Capital Outlay	140,000	
Recreation		
Debt Services		
YMCA		
CCAP	128,00	
Total Appropriations	268,000	0
Excess of resources over/under appropriations	384,941	38,358
Transfers from other funds		
Transfers to other funds		
Estimated fund balances	384,941	38,358

Section II. This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and published and become law at the earliest possible time.

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

First Reading: June 2, 2015

Second Reading: July 7, 2015

MAYOR VIRGIL L. BORUSKE

ATTEST:

DONNA LEGER

CITY CLERK/TREASURER

Order 2015-8R:

**CITY OF DAYTON, KENTUCKY
MUNICIPAL ORDER NO. 2015-#8R**

A MUNICIPAL ORDER MODIFYING THE
MANHATTAN HARBOUR COMMUNITY
PATTERN BOOK TO INCLUDE MULTI-
FAMILY USES AND PHASE B OF THE
DEVELOPMENT.

WHEREAS, pursuant to agreement with DCI Properties-DKY, LLC, an Ohio limited liability company (hereafter “DCI”) for development of Ohio riverfront property presently titled in the City which requires the City’s approval of development specifics, and DCI and their sub-developers approved and submitted certain documents, modifications to the Manhattan Harbour Community Pattern Book to include multifamily uses and Phase B of the development, governing a portion of said property and;

WHEREAS, the City desires that its approval be enforced now and in the future after said property is conveyed to DCI under the agreement; and

WHEREAS the Dayton Planning and Zoning Commission has approved the request to modify the Manhattan Harbour Community Theme/Pattern Book to include multifamily uses and Phase B of the development with conditions;

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

Section I

City Council for the City of Dayton hereby approves and adopts the modifications to the Manhattan Harbour Community Theme/Pattern Book, requirements of which shall apply to multifamily uses and Phase B of the development as shown therein. A copy of said book is attached hereto and made part hereof by reference;

Section II

The City hereby orders that the said Manhattan Harbour Community Theme/Pattern Book, including the multifamily modifications and Phase B and its requirements, be included as restrictions in any deed conveyed by the City to DCI Properties – DKY, LLC, an Ohio limited liability company, for the real estate included in “Phase B”;

Section III

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

MAYOR VIRGIL L. BORUSKE

ATTEST:_____

DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Tucker, seconded by Member Lynn to approve 2015-8R. Comments:

City Adm. Giffen said the Planning Staff recommended these changes with conditions. There are conditions concerning the review board. Two members chosen by the city government will be appointed, if you pass this order it will be with this condition. Member Burns said he has no problem with phase two but would like to see more work on phase one. The applicant that brought forth the changes for multi-family are not doing the single family.

ROLL CALL:

Member Lynn	Aye	Member Tucker	Aye
Member Neary	Aye	Member Baker	Aye
Member Burns	Aye	Member Gifford	Aye

Motion carried—so ordered.

Department Head's Report:

Anthony Cadle, Main Street Manager, reported he has received two applications for CCAP. Member Burns would like to know who the applications are from. In the future he would like a report of what applications were approved and what applications were rejected. Tina Neyer, Museum Board, was awarded the River Cities Preservation Award. Thanks to Tina for all her hard work at the Tharp Historical Museum. The brick that were once at the Town Center and street banners that were bought by businesses and organizations, are at the City garage. Council needs to decide what they want to do with the benches that were once at the Town Center.

Annie Wuestefeld, Code Enforcement Officer, submitted a violation report to council. Member Gifford asked about 410 Eighth Avenue. Something needs to be done with this property. This property is owned by the City. Member Tucker said the City currently owns three vacant properties. City Adm. Giffen said he has taken several prospective buyers through the properties but he does not think the properties can be salvaged. Member Baker asked about the house at Third & Walnut. Annie stated she is working on this property. The process is 5 days for high grass and 30 days for zoning issues. If not cut within five days this is then turned over to Public Works for cutting. The homeowner is then billed. Member Neary asked if it would be possible to go by the ordinances number on Annie's report, instead of the code number. Mayor Borukse suggested just listing the violation. Annie will add another section onto her report. Member Burns said Annie is doing a good job.

Donna Leger, City Clerk/ Treasurer, submitted a copy of the financials and introduced Tiffany Myers as the new Asst. Clerk/Treasurer.

Rick Lucas, Supt. Public Works, has been busy getting the city ready for the Memorial Day Parade. Public Work's has cut 20 or more properties that have been cited for high grass. The flags will be up for the Fourth of July. Mayor Boruske noted public works did a good job getting the city ready for the Memorial Day Parade.

Sergeant Nick Timon reported that Chief Halfhill is away at training.

Michael Auteri, Fire Chief, submitted a budget narrative for fiscal 2015/2016. Everything mechanical is fixed and back in house. Member Burns asked about the status of the grant that

adds more personnel. Chief Auteri said more information on the grant will be available in September.

STANDING COMMITTEE REPORTS:

Finance (Member Lynn):

The 2014/2015 budget is in good shape. All the department head's did a great job.

Public Safety (Member Gifford):

The block watch signs are printed. The meeting will be rescheduled.

Member Burns said Public Works did a good job getting everything ready for the Memorial Day Parade. Member Burns gave recognition to Annie for doing a civic duty. Annie helped a women whose car had broken down.

Parks & Real Estate (Member Tucker):

Member Tucker would like to have a meeting to discuss the three vacant properties the city owns and get these off the Cities hands. The park re-mulching on Walnut went well.

Economic Development (Member Baker):

A lot of response to CCAP. Economic outlook is good.

Petitions:

Member Neary would like to see a place on the website for citizens to report blighted properties. City Att. Edge can get this form online.

Patricia Butt would like to know who set the fees for animal citations. She feels the fees are too high. The fees are set by ordinance.

Tammy Kroger, 225 Third Avenue, is concerned about the banners and bricks. The tax payers paid for these and she would like to know what is happening. Anthony Cadle, Main Street Manger, advised that the banners are in no condition to be displayed, all the bricks are at the Public Work's garage, and the benches need work. Mayor Boruske would like to find somewhere to display the bricks. Tammy suggested the walkway at the Town Center. Member Burns suggested donating the benches to the school. The next block watch meeting is July 20th.

Tammy Nolan, 225 Franklin Avenue, Ft. Thomas asked about the status of the pit bull ordinance. She wanted to see how the Mayor felt about the ban. Mayor Boruske stated he has not changed his mind to lift the ordinance. Ms. Nolan said under ADA pit bulls are allowed in the city if the animal is a service dog. Member Baker stated that he is getting with members of the City of Cincinnati to look into the pit bull ordinance, but what is good for Cincinnati might not be good for Dayton.

Cathy Gordon, 314 Fourth Avenue, is concerned about the development along the floodwall. Does the city still own the floodwall? City Adm. Giffen said yes. Only the single family lots are owned by DCI. The Marina has been sold. Phase two will go through the review board. This will include two people appointed by the Mayor and three others, a developer, a member the developer chooses and an outside party which has been agreed on. How will this affect her property; such as water runoff and will this go into her basement? Member Baker will share his documents with Cathy from the Planning and Zoning Meetings for the last two years. City Adm. Giffen advised Cathy to attend the Planning and Zoning meetings that are held the first Wednesday of every month.

Mike Lenz, 416 McKinney Street, is upset about the banners that were bought by businesses for \$300.00 each. He feels the money was wasted. The banners were only up for two months until Christmas and then taken down. The banners were then put back up later only to be torn down by the wind storm.

UNFINISHED BUSINESS:

City Adm. Michael Giffen, reported there will not be any Planning and Zoning Meeting for tomorrow.

Member Neary asked for a copy of the OKI traffic study. City Adm. Giffen will provide a copy of the 2013 study to all council members. Member Neary stated that from Rivera Drive and 471 there is a traffic problem. Member Neary would like to ask the State to look at the traffic lights at that location. This could affect the city's development.

NEW BUSINESS:

Member Neary asked if the city is able to get a new camera this fiscal year. It takes too long to upload the council meetings. Mayor Boruske will get prices on cameras.

J.D Chaney, Kentucky League of Cities, will be here on Thursday, 6:00 p.m. to give an update on the 2015 General Assembly Legislation.

EXECUTIVE SESSION:

Mayor Boruske entertained a motion to go into executive session to discuss KRS 61.810 1 © Discussions of proposed or pending litigation against or on behalf of the public agency. Motion by Member Gifford, seconded by Member Lynn to go into executive session. Motion carried—so ordered.

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

ADJOURNMENT:

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Virgil L. Boruske
Mayor

