

**Dayton City Council
Public Hearing & Special Meeting Agenda
Sept. 16, 2021
Board meeting room of the Dayton Independent School Administration Building
200 Clay Street, Dayton, Ky.**

ROLL CALL:

PRAYER & PLEDGE:

Pursuant to KRS 132.027, the City of Dayton will hold a public hearing for the purpose of hearing comments from the public regarding the 2021 proposed tax rate.

Second Reading: 2021#16 – 2021 Real Estate Tax Rate.

Presentation by Cindy Minter, Campbell County Planning & Zoning.

Order/Resolution 2021#28R – Requesting the Dayton Planning & Zoning Commission review proposed map and text changes.

MAYOR ASKS FOR AUDIENCE COMMENTS REGARDING ANY OTHER LEGISLATION APPEARING ON TONIGHT'S AGENDA

ORDINANCES & ORDERS/RESOLUTION:

First Reading of Ordinance 2021#17 – An ordinance amending the Waste Collection Fee.

Order/Resolution 2021#29R – Accepting the resignation of Randi Bydash from the Code Enforcement Board and appointing Maggie Volkering to the Code Enforcement Board.

ADJOURNMENT:

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2021-#16**

**AN ORDINANCE PROVIFING FOR THE IMPOSITION,
LEVY, COLLECTION AND APPORTIONMENT OF TAXES
FOR THE CITY OF DAYTON, CAMPBELL COUNTY,
KENTUCKY FOR THE FISCAL YEAR JULY 1, 2021
THROUGH JUNE 30, 2022.**

This ordinance sets the real property ad valorem tax rate for the city for the present fiscal year at .446 per hundred dollars of value for the general fund and .050 per hundred dollars of value for parks. The tax rate for automobile property is set at .5009 per hundred dollars of value and at .750 per hundred dollars of value for all other property.

The ordinance requires that all Real Property and Other Tangible Property (excluding motor vehicles and motorboats) taxes be paid by November 30, 2021. Taxes not paid by this date shall become delinquent. Taxes paid during the first three days after they become delinquent will be assessed a 1% penalty. Any taxes not paid more than three days after they become delinquent shall be subject to a penalty of 10% and shall accrue interest at a rate of twelve percent (12%) per annum until paid. The delinquent taxpayer shall also pay all costs, attorney's fees, and other expenses incidental to any action taken by the city for collection of the delinquent tax bill.

The ordinance also sets the bank deposits at twenty-five thousandths of one percent (.025%) of those deposits. The payor of these taxes may pay the sum due less 2% if paid by December 31, 2021 or the full amount by January 31, 2022.

I, Alexander Edmondson, 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.

Alex F. Edmondson, Esq.

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2021-#16**

**AN ORDINANCE PROVIDING FOR THE IMPOSITION,
LEVY, COLLECTION AND APPORTIONMENT OF TAXES
FOR THE CITY OF DAYTON, CAMPBELL COUNTY
KENTUCKY FOR THE FISCAL YEAR JULY 1, 2021
THROUGH JUNE 30, 2022.**

WHEREAS, KRS 83 A.130 to 83A.150 and KRS 92.280 and KRS 92.330 require that the legislative body of each city levy an ad valorem tax for city purposes, that this be done by ordinance to provide for sufficient revenue to operate city government, and

WHEREAS, KRS Chapter 132 requires that this be calculated in accordance with the provisions of that chapter, and KRS 134.800 and KRS 134.810 require that ad valorem taxes on motor vehicles and motorboats be collected by the City Clerk and that such taxes shall become due and delinquent as set forth in KRS 134.810 and that such taxes not paid when due shall be subject to the penalty and interest as specified therein,

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

SECTION 1. Real Property – General Tax.

An ad valorem tax rate of .446 cents on each \$100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 2. Real Property – Park Tax.

An ad valorem tax rate of .050 cents on each \$100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 3. Other Personal (Tangible) Property.

An ad valorem tax rate of .750 cents on each \$100.00 (one hundred dollars) of assessed valuation of personal property (other than motor vehicles and motorboats) subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 4. Motor Vehicles and Motorboats.

An ad valorem tax rate of .5009 cents on each \$100.00 (one hundred dollars) of assessed valuation of motor vehicles and motorboats subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 5. Bank Deposits.

There shall be imposed and collected for said City, as permitted under KRS Chapter 136 on the taxable fair cash value of bank deposits within the city as assessed, corrected, altered, certified and returned by the Revenue Cabinet or as assessed by the Mayor and Council, if for any reason said deposits have not been listed in any manner for taxation, sum equal to twenty-five thousandths of one percent (.025%) of those deposits. The levy called for in this Section shall be imposed, levied, collected and apportioned for payment of incidental expenses of the City. Those banks upon which the above tax is imposed may pay the sum due less 2% if paid by December 31, 2021 or the full amount by January 31, 2022. Thereafter the penalty and interest herein shall be imposed.

SECTION 6. Due Date, Payment, Discount and Penalty.

The taxes mentioned in this Ordinance Section 1, 2 and 3 shall be due and payable at the Office of the City Clerk by November 30, 2021 and shall become delinquent the day immediately following if not paid. Taxes paid during the first three days after they become delinquent will be assessed a 1% penalty. Any taxes not paid more than three days after they become delinquent shall be subject to a penalty of 10% and shall accrue interest at a rate of twelve percent (12%) per annum until paid. The delinquent taxpayer shall also pay all costs, attorney's fees, and other expenses incidental to any action taken by the city for collection of the delinquent tax bill.

SECTION 7. Effective Date and Use Thereof.

This Ordinance shall be effective immediately upon publication and applies to the 2021 calendar year tax assessment and all receipts shall be used for city purposes and accounted in the 2021-2022 fiscal year and subsequent fiscal years in reference to delinquent collections.

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

First Reading: September 7th, 2021

Second Reading: _____

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2021#17**

**AN ORDINANCE AMENDING SECTION 50.09 OF THE
DAYTON CODE OF ORDINANCES TO INCREASE THE
RESIDENTIAL WASTE COLLECTION FEE BY THREE
PERCENT TO \$132.01 ANNUALLY, AS REQUIRED BY THE
SOLID WASTE CONTRACT WITH REPUBLIC SERVICES
OF OHIO HAULING, LLC.**

WHEREAS, the City of Dayton, Kentucky ("the City"), entered into a contract with Republic Services of Ohio Hauling, LLC on May 5, 2016, to provide residential solid waste removal in the City ("the Waste Contract");

WHEREAS, the Waste Contract ran for a period of five years, ending on June 30, 2021, but included two, two-year extensions; and

WHEREAS, the Waste Contract automatically renewed on July 1, 2021, but this renewal included a three-percent increase in the waste collection service fee, so the City needs to amend its ordinance to reflect this fee change.

NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, ORDAINS AS FOLLOWS:

Section I

That Section 50.09 of City of Dayton, Kentucky, Code of Ordinances is amended as follows:

§ 50.09 WASTE COLLECTION SERVICE FEE.

* * *

(B) There is hereby levied and imposed upon the owners of improved real estate in the City of Dayton, Kentucky and upon persons, firms, and corporations doing business in the City of Dayton, Kentucky, a waste collection service fee as follows:

- (1)** For each residential and commercial unit, the sum of ~~one hundred twenty-eight dollars and sixteen cents (\$128.16)~~ one hundred thirty-two dollars and one cent (\$132.01), payable as stated herein;

* * *

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 special and regular session.

First Reading: Sept. 16, 2021

Second Reading: October 5, 2021

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2021#28R**

**AN ORDER/RESOLUTION OF THE DAYTON CITY COUNCIL
REQUESTING THAT THE DAYTON PLANNING AND ZONING
COMMISSION REVIEW PROPOSED MAP AND TEXT CHANGES TO
THE CITY'S ZONING ORDINANCE AND ZONING MAP TO
EFFECTUATE PROPOSED LAND-USE CHANGES.**

WHEREAS, the City of Dayton has adopted a Zoning Ordinance, Zoning Map, and Subdivision Regulations ("Zoning Regulations") within the City of Dayton, Kentucky ("City"); and

WHEREAS, the Dayton Planning & Zoning Commission serves as the planning unit related to the Zoning Regulations and makes recommendations to the Dayton City Council ("City Council") regarding these regulations; and

WHEREAS, Kentucky Revised Statute Section 100.211(3) requires that a proposal to amend the text of Zoning Regulations may originate with the planning commission or with any fiscal court or legislative body associated with the planning unit; and

WHEREAS, the Dayton City Administrator and Campbell County Planning Director have noted inconsistencies in the City's Zoning Regulations and recognize a need to modernize these Zoning Regulations on the following topics:

- Expand the Central Business District (CBD) Zone to the east through a zoning-map amendment;
- Make adjustments to the text of the Zoning Regulations for the Industrial One (I-1) Zone to update and modernize this zoning district;
- Modify general conditions in the Zoning Regulations to assist with residential infill development;
- Evaluate the zoning districts along Sixth Avenue from Erwin Terrace to O'Fallon Street for possible updates;
- Update the sign ordinance in the Zoning Regulations;
- Update the flood-zone protection ordinance in the Zoning Regulations;
- Remove the "Phased CBD" Zone on Fifth Ave from the Zoning Regulations;
- Add text to the Zoning Regulations to address short-term rentals in City; and
- Update and modernize the City's subdivision regulations.

WHEREAS, the Dayton City Council wishes to review and consider the above-referenced zoning text and map changes to its Zoning Regulations.

NOW, THEREFORE, IT IS ORDERED AND RESOLVED that Dayton City Council shall sponsor the above-referenced applications for map and text amendments to be heard by the Dayton Planning & Zoning Commission for its recommendations to the City Council regarding these issues.

Passed and approved by the City Council of the City of Dayton, Kentucky, on this 16th day of September, 2021.

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

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2021#29R**

A RESOLUTION/ORDER OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, ACCEPTING THE RESIGNATION OF RANDI BYDASH FROM THE CODE ENFORCEMENT BOARD AND APPOINTING MAGGIE VOLKERING TO THE CODE ENFORCEMENT BOARD.

WHEREAS, the City of Dayton, Kentucky, has created a Code Enforcement Board pursuant to KRS 65.8801 et seq.; and

WHEREAS, the City of Dayton has adopted a Code Enforcement Ordinance that has been codified at Section 38.01 through Section 38.15 of the Dayton Code of Ordinances.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, THAT:

The City accepts the resignation of Randi Bydash as a member of the Code Enforcement Board.

The City appoints Maggie Volkering to the Code Enforcement Board to fill Ms. Bydash's unexpired term, which will expire on December 31, 2024.

This Resolution shall become effective immediately upon approval by the City Council of the City of Dayton, Kentucky.

AND IT IS SO RESOLVED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this ____ day of ____, 2021.

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

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER