

CITY OF DAYTON
COUNCIL MEETING
JANUARY 4, 2022

A regular meeting of Dayton City Council was held on Tuesday, Jan. 4, 2022 in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street. Dayton, KY.

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

ROLL CALL:

Mayor Baker	Aye	Member Lovins	Aye
Member Volter	Aye	Member Beseler	Aye
Member Neary	Aye	City Adm. Fossett	Aye
Member Nyman	Aye	City Att. Edmondson	Aye
Member Kelly	Aye		

Mayor's Report:

In recognition of their help with Light up Dayton, Mayor Baker presented Dennis & Denise Ashford with a plaque for their 30 plus years of service to the city and children of Dayton.

State of the City 2022 DAYTON ENERGY

City Council and the Dayton Community:

It is my great pleasure to present the City of Dayton's first State of the City address, an annual speech designed to convey our city government's current state of affairs. This address kicks off a new year and an increased level of transparency in Dayton, providing our community with information about our operations, past successes, and future goals. Our new city website, which you will see later tonight, is a testament to our renewed efforts to provide our residents, businesses, and visitors with readily accessible sources of news and information about our operations, programs, and projects.

The City of Dayton had a number of success stories during the 2021 calendar year. Despite another challenging year because of a continuation of the COVID-19 pandemic, six new businesses opened storefronts in our downtown business district, several of which received funding from our Dayton Business Assistance grant program. Those businesses are Tuba Bakery, Taqueria Nogal, Horton's Barbershop, American Foot Center, Millard Advisors, and Glow Salon. In addition, Yard & Company renovated the old gas station at Sixth Avenue and Main Street into their offices and a co-working space and event center, two real developers purchased Tony's Ole Saloon with plans to make improvements to it, and building improvements are now underway at the old Riverside Grocery at Sixth and O'Fallon.

As a response to local businesses adversely affected by the pandemic, the City also provided \$1,000 grants to 29 of these businesses and also enacted a "Dayton Dining Dollars" program, which mailed out \$5 coupons to Dayton residents to use at local restaurants. More than 300 residents redeemed these coupons at local businesses to help support these businesses during the pandemic.

Last year, we also saw great interest in the City of Dayton from numerous real-estate developers, who are adding new businesses and new residents and neighbors in our community for the first time in many years.

On our riverfront, The Gateway Apartments opened its doors in May and the Tapestry on the River apartment complex, which opened in 2020, sold for \$70 million in September, more than double its previously appraised value and was renamed Manhattan on the River.

In October, Arlington Properties, the Birmingham, Ala.-based developer that built Tapestry on the River, obtained zoning approval to build another apartment complex in Dayton -- this one with 265 apartments -- on a site located at the east end of Manhattan Harbour next to the marina.

Other Manhattan Harbour developments that the city approved were the construction of two new high-end, single-family homes at The Commons and construction of two multi-family housing projects at The Lookout and The Bend, both of which are currently under construction on the north side of Manhattan Boulevard, just east and west of where Berry Street connector to the boulevard will be built.

One of the most exciting upcoming projects is the rehabilitation of the historic Burton/Raymee building at Sixth Avenue and Berry Street. Orleans Development Company purchased the four-story, 137-year-old brick building in July for \$385,000 and plans to spend about \$1.5 million to renovate this building into commercial space on the first floor and luxury, loft-style apartments on the upper floors.

In 2021, a primary focus in my administration was -- and will continue to be -- increased code enforcement. This past year, the City established a database of all vacant and blighted structures in our City, and we created both a first and then a second "Top 10 List" of vacant and abandoned properties in the city. We created a second list because of the success we had addressing problem properties on the first list, many of which have been renovated, sold to third parties, or demolished by the city or third parties. The city also enacted a Code Enforcement Amnesty Program that encouraged property owners with outstanding code-enforcement violations to clean up their properties or face redoubled code-enforcement efforts if they didn't.

Overall, we've made great strides in improving our housing stock and our neighborhoods in the past year. I thank city staff and all our homeowners and residents who have joined the city in cleaning up our neighborhoods and streets. We expect to see even more improvement in this area of focus in the coming years.

2021 also brought major improvements to our parks. Sargeant Park is now fully open to the public and has become a natural oasis for hikers and residents who now enjoy more than two miles of scenic trails on the southern end of our city. We replaced the unsightly and unwelcoming chain link fence replaced it with attractive wooden fences, we made improvements to the parking lot and sanitary and stormwater infrastructure, planted hundreds of new trees, planted and removed many invasive species of plants, and installed new trailheads and trails throughout the park. At Gil Lynn Park, in partnership with Dayton Independent Schools, we installed a new concrete backstop behind the girls' softball field.

Dayton is fortunate to have a highly qualified and efficient city staff. In 2021, I hired two new members of the city management team and we've seen great success with this new leadership team in place. In March, I hired Jay Fossett, the former City Manager in Covington, as our new City Administrator, and in September, I hired Jerrod Barks as Assistant City Administrator from his job as City Administrator in Morgantown, Ky.,

Last year, the City Council also approved a substantial increase in pay for our public-safety personnel, helping to make our City competitive with surrounding municipalities and increasing employee retention in both our police and fire departments. Our entire City staff achieved significant successes in their departments during the past, a list of which can be found listed on our new website at daytonky.com/state-of-the-city-2022.

In 2021, the City emphasized strategic planning by seeking input from our council during a day-long strategic-planning session in the spring as well as through interaction with city boards and committee members, and residents of Dayton, including the city's first-ever citizen satisfaction survey. This strategic planning has allowed us to prioritize and make decisions based on the invaluable input provided by our citizens for the year 2022. In 2022, the City will continue this emphasis with its first-ever "Dayton Vision Meeting," a gathering of residents, staff, board members, and community stakeholders to coordinate ideas, events, and strategic planning.

As you can see, 2021 was a banner year for the City of Dayton and this year looks like it will be even better. 2022 will be a big year for Dayton in terms of new infrastructure and development projects in the city.

A number of projects are underway in the Manhattan Harbour neighborhood Manhattan Boulevard will finally be finished with a new road being constructed from just past the apartments at Manhattan on the River to Mary Ingles Highway. The long-

awaited Berry Street connector project – which will provide needed connection to our central business district and allow our police and fire departments quicker access to this neighborhood -- will be constructed once the Manhattan Boulevard road extension is completed. Improvements to the intersection of Manhattan Boulevard, O’Fallon Street, and Fifth Avenue, which will improve vehicular and pedestrian safety at this dangerous intersection, have been designed and construction is slated to start on this project in the spring.

New sidewalks, trails, and pedestrian improvements also will be undertaken by the city in the coming months, with several long-awaited projects coming to fruition, including construction of new sidewalks on the west side of Dayton Pike from Seventh Avenue to Chateau Ridge and on Belmont Road. Construction also will start on Phase II of the Riverfront Commons river’s-edge trail project and on pedestrian bump-outs on Sixth Avenue. Design plans for the final phase of the Riverfront Commons project will be completed this year, too.

Ten streets will be resurfaced in the City during 2022. The city plans to spend about \$200,000 to repave sections of nine streets in the city, based on a road-improvement priority-ranking system created by our city engineer, and the Kentucky Transportation Cabinet is expected to repave Route 8 as well. The new year also will see the construction of several new stormwater mitigation projects in the city at these locations:

- Fourth and Kenton
- Ervin Terrace
- Dayton Pike
- Second and Walnut
- Grant Park

The City is continually working to improve our operations, increase city services to our citizens, and provide additional opportunities for our residents to be involved in their community. When City Council held its strategic planning session last spring, it came up with 30 projects, programs, and initiatives it wanted to see implemented in the city. I am proud to say that the vast majority of these strategic goals have been accomplished in the past nine months since that list was created and we are working on the others.

One of our primary goals for the past year was to improve our external communication efforts in the city. Our new website now provides our community members with up-to-date city news and information. I encourage all Daytonians to visit daytonky.com to see the new website and keep to date about the city’s direction, including viewing our interactive maps, such as the one that shows our infrastructure projects for 2022. In addition to the new website, we’ve also worked hard to improve our electronic newsletter and our social-media presence. If you haven’t done so yet, I encourage you to sign up for our e-newsletter and like us on Facebook and Instagram to get the latest news and information about our city.

As we look to the new year and to future years in our city, we want to continue our current efforts to encourage entrepreneurs to start new business ventures and create new jobs in our city. We also will continue to encourage developers and others to responsibly rehabilitate our historic homes and build new homes here that take advantage of our wonderful views, our excellent schools, and our close-knit community.

Dayton is fortunate to have hard-working City Council members, city staff members, volunteers, and residents who are all working together to create an environment of energy, vibrancy, and growth in our community. Dayton’s infectious energy is creating many of the positive impacts we are experiencing today -- from the attraction of new residents and developers to our community to the opening of new businesses on Sixth Avenue to the continued success of our schools.

I want to thank all of these people who are making a huge difference in our community. Your creativity, ambition, and Dayton Energy are the primary reasons for our city’s recent successes and why our community’s future looks so bright right now.

Jay Brewer, Supt. of Dayton Schools addressed council. Mr. Brewer is in his 10th years at Dayton, and has been in education for 30 years. It’s a pleasure working with Mayor, Council, and City of Dayton Employees. Everyone is fantastic. Our goal at Dayton Schools is to “Inspire, Engage, & Grow” each of our students. We offer support from daycare to college. We have a daycare center available to our students. Some of our students are graduating with 30 hours of college credit. Student achievement among the Rivercity District Schools (Dayton, Bellevue, Ludlow, Newport, Covington, and Erlanger) has been very

successful for Dayton. We had the second highest ACT Score, we have the top performing middle school, top performing district in writing, and the elementary & high school were tested number one or two in all the River City Districts. We're very proud of this. We currently have 27 juniors and seniors in dual credits. Some are off campus at Northern Kentucky University or Gateway College. Our school is paying for this. We also offer the Technical Center in Campbell County. We offer several clubs and sports at Lincoln Elementary School and Dayton High School. We have the Family Support Food Pantry, Family Resource Center, and on Friday we send home Power Packs. We also support our local businesses. We have a five star pre-school and a five-star head start program. Reading and math intervention have been added. Over the last three years we've received a grant from WCPO. Thanks to this grant we've held three book fairs this year, and each child received five free books at each fair. The best days are yet to come.

Frank Warnock, Bellevue City Administrator, addressed council to talk about a storm water detention basin area proposed for Sargeant Park. A detention basin is only wet when there is a big rain, and then it dries out. It's been flooding on Covert Run in Bellevue for as long as Mr. Warnock can remember. Shady Terrace Trailer Park has been purchased and 74 single family homes will be built. Bellevue also purchased two properties across from Shady Terrace. Mr. Yeager, City Engineer for Dayton and Bellevue, showed a slide show presentation. There was a map of three possible locations for the detention basins in Sargeant Park. Bellevue will apply for a 50/50 grant with SD1. Barry Baker, Dayton Park Board Member, asked if something could be built under the parking lot. Barry Baker does not feel the city should give up this much land. After a discussion council agreed that more information is needed, and they would like to review the area. Mayor Baker said we'll need time to consider these options. Mayor Baker said we need to look at the park footprint. We're willing to have this conversation, but can't make a decision within the month.

Presentation of the City's new website:

City Adm. Fossett said for the last six months he has been working on developing a new city website along with Jerrod Barks, Asst. City Administrator, and the web-site developer. About fifteen new pages have been added, and a lot of new content and photos. We're very excited to show this tonight. Jerrod Barks, Asst. City Adm., showed a video presentation of the new city website at www.daytonky.com

Motion by Member Volter, seconded by Member Kelly to approve the minutes as received from the December 7, 2021 meeting. All in favor.

CITY OF DAYTON, KENTUCKY ORDINANCE NO. 2021#21

AN ORDINANCE AMENDING SECTION 111.16 OF THE CITY OF DAYTON
CODE OF ORDINANCES TO CHANGE THE REGISTRATION
REQUIREMENTS FOR EMPLOYEES WHO WORK IN ESTABLISHMENTS
THAT SERVE ALCOHOL.

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

Section 111.16 of the City of Dayton Code of Ordinances is hereby amended as follows:

§ 111.16 REGISTRATION; PHOTOGRAPHING AND FINGERPRINTING OF EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help, or as a working proprietor (~~“Employee”~~), in any establishment or place of business, except as hereinafter provided, where distilled spirits, wine, or malt beverages are sold or dispensed by the drink as defined in both the Kentucky Revised Statutes and/or the city ordinances, shall register in a book of registration to be kept by the Dayton Police Department; and Employee is required to be registered; ~~fingerprinted~~ and photographed by the Police Department of the city as well as complete a background check through Kentucky State Police prior to the date of commencing his or her employment with the establishment or place of business. No person shall fail to ~~register or be fingerprinted and photographed and or complete a state background check~~ prior to commencing the employment. The Police Department shall issue Employee a temporary ID card upon registration, which will have an expiration date of 30 days from the date of issue until the state background check is received, reviewed, and accepted or denied by the Dayton Police Department. After acceptance of the registration, the Police Department will issue a permanent ID card to Employee that will expire two years after acceptance date.

(B) No employer, whether a person, firm or corporation, shall allow any person to be employed unless the Employee ~~shall have has~~ registered and ~~shall have been fingerprinted and been~~ photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Dayton Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment.

(D) The city shall require a payment of twenty dollars (\$20) of each person registered, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

(E) Those businesses having a distilled spirits, wine, or malt beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to restaurants and hotels/motel, shall register only those persons who are directly engaged in that portion of that business which sells distilled spirits, wine, or malt beverages by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any Employee, volunteer help, or working proprietors at a festival or similar event which lasts less than five (5) days, for which a Special Temporary liquor license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help, or working proprietors of a holder of a Non-Quota 3 (NQ3) retail drink license shall be exempt from registration under this section if and only if the use of the Non-Quota 3 (NQ3) retail drink license is an accessory use to a principal permitted use.

(I) Any establishment having a distilled spirits, wine, or malt beverage by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of distilled spirits, wine, or malt beverage by the drink.

First Reading: Dec. 7, 2021

Second Reading:

CITY OF DAYTON, KENTUCKY

By: _____

Mayor Ben Baker

ATTEST:

Donna Leger, City Clerk

Motion by Member Volter, seconded by Member Nyman to approve 2021#21 as read.

ROLL CALL:

Member Kelly	Aye	Member Volter	Aye
Member Lovins	Aye	Member Neary	Aye
Member Beseler	Aye	Member Nyman	Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2022 #1R**

ORDER/RESOLUTION CHANGING THE
NAME OF THE COMMERCIAL COMMUNITY
ADVANTAGE PROGRAM TO THE DAYTON
BUSINESS ASSISTANCE PROGRAM AND
AMENDING THE GRANT-AWARD POLICIES
FOR THIS PROGRAM

Section I

The City has previously authorized a Commercial Community Advantage Program (“CCAP”) to award grants to businesses in the community based on the policies previously established by the City Council.

Section II

The City Council wishes to change the name of CCAP to the Dayton Business Assistance Program, also known as the DBA Program, and amend certain regulations in this program to incorporate administrative changes and other changes consistent with the City’s strategic goals.

Section III

The City authorizes the Mayor to execute any contracts and agreements necessary to the execution of this program or to ensure proper liability upon any grant recipient in the event that the terms in these policies or any additional conditions are breached.

Section IV

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

SO ORDERED and approved by the City Council of the City of Dayton, Kentucky, on this 4th day of January, 2022.

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

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER

**City of Dayton, Ky. Downtown Business Assistance Program (“DBA”)
DBA Program Award Policies
Effective January 5, 2022**

The following is a list of policies for the City of Dayton, Kentucky, and its Downtown Business Assistance Program (“DBA policies” or “these policies”). Decisions for granting DBA awards should meet these policies unless specific and demonstrable reasons exist for an exemption, which the City Council would need to expressly approve. Each of the three grant program in the DBA has an individual purpose with corresponding regulations that are unique to that specific program.

I. PURPOSE AND POLICY.

The City of Dayton (“the City”) is committed to the promotion of high-quality development in the City’s downtown Central Business District and ongoing improvement in the quality of life for its citizens by enacting the Downtown Business Assistance Program (“DBA” or “Program”).

The City desires to encourage superior businesses to locate, remain, and expand in the City. Furthermore, the City seeks to enhance its economic development efforts to attract and retain high-quality developments and jobs by establishing these DBA Policies and Procedures.

These DBA policies are established to develop and expand the local economy by:

- a) Promoting and encouraging economic and small-business development and redevelopment projects to enhance the City’s economic base in the Central Business District;
- b) Diversifying and expanding job opportunities within the City;
- c) Promoting and encouraging projects that create additional revenue for the City without substantially increasing demand on City services or infrastructure;
- d) Reducing the number of blighted and/or vacant commercial properties in the City; and
- e) Promoting tourism and interstate commerce.

The goal and public purpose of DBA is to protect and enhance the City’s fiscal ability to provide municipal services for the safety, comfort, health, welfare, and enjoyment of Dayton residents.

In furtherance of these objectives, the City will, on a case-by-case basis, consider providing economic incentives to applicants in accordance with these policies as amended from time to time pursuant to the City’s authority under KRS 82.082.

All applications shall be considered on a case-by-case basis. The city has the right to reject any and all applications for any reason.

Funding for this program runs on a fiscal year (July 1 to June 30), and funding is limited for each grant program. DBA is an evolving program, and all policies and guidelines are subject to change as determined by the Dayton City Council. The DBA is subject to review and can be modified at any time based on effectiveness, use, and demand.

II. DEFINITIONS.

Applicant: The “Applicant” is defined as a person and/or business applying for grant funds under the DBA.

Award Term: “Award term” is defined as a three-year term starting from the date the City approves the application.

Arms-Length Transaction: In the rental abatement program, no party to the lease agreement, including tenant or the business (includes owners, agents, servants, employees, or assigns), is a relative of, a business associate of, or shares any business interest with landlord or landlord’s agent(s) (if applicable). Furthermore, no hidden or implied terms or special understandings may exist between the tenant or the business and the landlord that have not been made part of the written lease agreement.

Central Business District: The “Central Business District” or “CBD” is defined by the City of Dayton’s official zoning map at the time an application is made.

City: The “City” is defined as the City of Dayton, Kentucky.

City Administrator: The City Administrator, or his or her designee, is the chief operating officer of the City of Dayton, who shall be responsible for the administration of DBA.

Façade Improvement: an alteration or improvement to the exterior front side of a commercial building. A façade is the portion of a structure that faces city street(s) within the CBD. A façade acts or has the potential to act as the entrance into a commercial space in the structure.

Historic District: The “Historic District” or “HD” is defined by the City of Dayton’s ordinances at the time an application is made.

III. GRANT AWARDS.

Grant awards under DBA are split into three different types: (1) rental abatement; (2) uniform signage; and (3) façade improvement. Each type is explained in detail in the following sections:

RENTAL ASSISTANCE PROGRAM

1. Purpose.

The rental abatement grant is available to new business tenants to alleviate some of the leasing costs incurred by these new small businesses when starting up or relocating to the City. The rental abatement grant has a secondary benefit to property owners by reducing vacancies.

2. Eligibility.

This grant is only available to *new* commercial leases signed after the date of this municipal order and is only for businesses opening or relocating into commercial buildings in the Central Business District (“CBD”). Eligible businesses can only receive benefits under this program section one time. Businesses already located in the CBD are not eligible. Subleases are not eligible. No applicant shall be eligible for a grant more than once.

3. Funding.

The grant awarded may be up to 50 percent of the lease payment made by the business owner for **12** consecutive months, 25 percent for the next **12** months (second year), and 10 percent for the remaining **12** months (third year) of the contract for a total incentive period of 36 months. The maximum award under this program is \$5,000/year for the first 12 months, a maximum award of \$2,500 for the second 12 months, and \$1,000 for the remaining 12 months, per business. Funding for this grant is limited. Applicants will be considered on a first-come, first-serve basis. All grant funds are released on a reimbursement basis only, i.e., the City will pay rental abatements only after the grant recipient provides the City with evidence of payment to the landlord. The rental abatement program awards funds will be reimbursed to the tenant monthly based on the terms and conditions of the signed contract.

Year	Benefit
1	50% of Rent, up to \$5,000 per year
2	25% of rent, up to \$2,500 per year
3	10% of rent, up to \$1,000 per year

4. Additional Requirements.

In addition to the general requirements applicable to all applicants for DBA grant funds, applicants of the rental abatement program must also adhere to the following:

1. Applicant must enter into an agreement with the City regarding the terms and conditions of this grant.
2. Provide City with a copy of the applicant's lease agreement, which must include a locked-in rental rate for 36 consecutive months.
3. Complete an affidavit certifying that the proposed or agreed upon lease between the business and landlord is an arms-length transaction.
4. A business applying for the funding must be an initial start-up or is relocating into the City's CBD. Any business already located in this zoning district since the adoption of this program by the city is not eligible for this grant.
5. Notify the City of Dayton, Attn: City Administrator, if any lease terms are modified during the term of the award grant.
6. Applicants must agree to background, credit, and reference assessments.
7. Government buildings, government entities, non-profits, national retail franchises, and other business entities that have three or more operating locations are not eligible.
8. All City of Dayton property taxes, fines, liens, licenses, and permits must be current.
9. Must be a NEW business (not currently in operation or in operation at any time over the past five years) in the City of Dayton.
10. Applicant businesses must be located inside the City of Dayton's CBD zone.
11. Upon opening a business, the building must have signage, as approved by the City of Dayton, displayed in the business in a conspicuous location for a period of no less than two years notifying that the business has received Rental Assistance Grant funds from the city. The sign will not be any larger than 12 inches in width and 8 inches in height and will be purchased by the City.
12. The business shall operate during business hours established in the agreement between the business owner and the City of Dayton.
13. The business must operate for a period of no less than five calendar years within the City of Dayton CBD zone. If business vacates or ends its operations in this zone prior to expiration of five years, the applicant shall owe to the City all funds it received from the City under this agreement on a pro-rated basis. For example, if the City paid a business \$10,000 for façade improvements and the business ceased operation after three years, then the business will owe the City \$4,000. The applicant may submit a written document describing any extenuating circumstances that it alleges caused the premature closure. The City shall decide whether to waive any fees or charges within 30 days after receipt of this document.
14. The City will not pay funds to reimburse individuals in the program for rent payments provided to immediate family members or related business entities. Immediate family members include spouses, parents, children, grandchildren, siblings, grandparents, aunts and uncles, nieces, and nephews. Related business entities include other businesses owned by applicant or by applicant's immediate family members.
15. Preference will be given to applicants in the retail, restaurant, and professional services' sector.
16. Recipients shall be required to attend sessions with the Kentucky Small Business Development Center as agreed upon by the City of Dayton and applicant.
17. Recipient shall be willing to appear in City of Dayton marketing and promotional materials.

5. Additional Stipulations.

1. The City of Dayton may refuse an application for any or no reason at all.
2. Program rules and regulations may change at any time without prior notice for any or no reason as solely by the City of Dayton.
3. Any benefits received by the applicant under program will cease immediately upon the business closing or discontinuing its operations in Dayton, Kentucky.
4. No rental expenses accrued prior to the DBA contract approval date will be eligible for reimbursement.

UNIFORM SIGNAGE PROGRAM

1. Purpose.

The uniform signage grant is available to businesses for the purpose of promoting new and existing businesses while creating a uniform look in the CBD.

2. Eligibility.

This incentive is available to any new or existing business located in a commercial building in the CBD. Applicants are not eligible for more than one grant.

3. Funding.

The City may award funds up to 50 percent of the cost of the sign or \$1,500, whichever is less, per business for the design, purchase, and installation of new decorative sign or awning. Funding for this grant is limited. Applicants will be considered on a first-come, first-serve basis. All payments will be released on a reimbursement basis after the applicant provides receipts to the city for materials and/or labor for design, purchase, and after completed installation of the sign.

4. Additional Requirements.

In addition to the general requirements applicable to all DBA applicants, applicants of the uniform signage grant must also adhere to the following:

1. Applicant must enter into an agreement with the City regarding the terms and conditions of this grant.
2. Complete a Certificate of Appropriateness and submit a design to the Board of Architectural Review for its approval.
3. Ensure the completed sign complies with Dayton Zoning Ordinances that address sign regulations.
4. Obtain sign permit through Campbell County Planning and Zoning Office (located at 1098 Monmouth Street, Newport, Ky. 41071).
5. Signs must have external illumination from at least dusk to midnight and plans for such illumination should be included in the initial submission of project details.
6. Ensure signs are kept at a consistent height with the signs on either side of the proposed property.
7. The City will not pay funds to reimburse individuals in the program for signage expenses provided to immediate family members or related business entities. Immediate family members include spouses, parents, children, grandchildren, siblings, grandparents, aunts and uncles, nieces, and nephews. Related business entities include other businesses owned by applicant or by applicant's immediate family members.
8. The business shall operate during business hours established in the agreement between the business owner and the City of Dayton.
9. All City of Dayton property taxes, fines, liens, licenses, and permits must be current.
10. Government buildings, government entities, non-profits, national retail franchises, and other business entities that have three or more operating locations are not eligible.
11. Recipient shall be willing to appear in City of Dayton marketing and promotional materials.

5. Additional Stipulations.

1. The City of Dayton may refuse an application for any or no reason at all.
2. Program rules and regulations may change at any time without prior notice for any or no reason as solely by the City of Dayton.
3. Any benefits received by the program will cease immediately upon the business closing or discontinuing its operations in Dayton, Kentucky.
4. No signage expenses accrued prior to the DBA contract approval date will be eligible for reimbursement.

FACADE IMPROVEMENT GRANT

1. Purpose.

The facade improvement grant is available to assist new and existing businesses in the Central Business District (CBD) to make improvements to the facades/exteriors of their buildings.

2. Eligibility.

This grant is available to anyone who has purchased a commercial building in the CBD, is leasing a building in the CBD with permission to make improvements to the façade from the landlord, or commercial structures within the R1-JJ Historic District (HD) Overlay Zone within 100 feet of an intersection with Sixth Avenue, who is considering: (1) starting a new business; (2) relocating an existing business not currently located in the CBD or within the HD Overlay Zone within 100 feet of an intersection with Sixth Avenue, or (3) rehabbing or constructing a building with a first-floor commercial space with the intended purpose of renting the space to a commercial business ("façade-grant recipients").

3. Funding.

The City may reimburse up to 50 percent of the cost of the façade improvement or \$10,000, whichever is less, in matching funds for approved façade improvement costs for any commercial property described in Section 2 above. Once the façade work is completed and applicant provides receipts for this work to the City, the City will release grant funding to the applicant within 60 days after submittal of all receipts. If the business leaves the City during the term outlined in the grant contract, the grant recipient will owe the City a percentage of the grant funds allocated for improvements as stated in the contract. Applicants will be considered on a first-come, first-serve basis. All grant funds are released on a reimbursement basis.

Priority in determining approved costs for reimbursement shall be based on: (1) added value to property; (2) correcting/mitigating violations of City ordinances; and (3) improving aesthetics in conformance with the CBD and Historic District regulations and guidelines. Other factors may be considered as deemed necessary on a case-by-case basis by the City administration and City Council.

4. Additional Requirements.

In addition to the general requirements applicable to all applicants for DBA grant funds, façade-grant recipients must obtain all building and zoning permits for the façade improvements and submit a separate application.

1. Applicant must enter into an agreement with the City regarding the terms and conditions of this grant.
2. The City will not pay funds to reimburse individuals in the program for façade expenses provided to immediate family members or related business entities. Immediate family members include spouses, parents, children, grandchildren, siblings, grandparents, aunts and uncles, nieces, and nephews. Related business entities include other businesses owned by applicant or by applicant's immediate family members.
3. Façade-grant recipients must have an active business currently in operation or it shall be in operation within one year from the date of application. Recipients shall be responsible for reimbursing the City for any grant funds paid by the City if no viable business operates within this one-year period.
4. A business located in the building that has received a façade improvement grant shall operate during the business hours established in the agreement with the City.
5. Façade-grant recipients shall be willing to appear in City of Dayton marketing and promotional materials.
6. Applicant or property owner of building where improvements are made, if different than applicant, must execute a lien for the amount of the façade grant given by the City, which the City will file in the property records of the Campbell County Clerk and release when all of the terms of the grant set forth in the grant agreement have been satisfied by applicant. Failure to abide by the terms of the grant agreement may result in the City seeking to foreclose on this lien.

5. Additional Stipulations.

1. Applicant must enter into a written agreement with the City regarding the terms and conditions of this grant prior to commencement of any façade work.
2. The City of Dayton may refuse an application for any or no reason at all.
3. Program rules and regulations may change at any time without prior notice for any or no reason as solely by the City of Dayton.
4. Any benefits received by the program will cease immediately upon the business closing or discontinuing its operations in Dayton, Kentucky.

IV. GRANT AWARDS.

1. Purpose

Recognizing that certain businesses in the CBD may require financial assistance for building improvements other than those needs outlined in the three programs discussed above, the City Council reserves the right to fund other building-improvement projects at these properties.

2. Eligibility.

On a case-by-case basis, City Council, in its discretion, may consider building improvements in the CBD other than those outlined in the three programs discussed above upon application by a building owner or tenant to the City for such funding. Such funding for these improvements and any conditions related to this funding must be memorialized by City Council in an order/resolution approved at a City Council meeting.

V. PROGRAM REQUIREMENTS.

All applicants granted funds under DBA must comply with all program requirements during the entire award term. Applicants are also encouraged to schedule quarterly meetings with the City Administrator or his or her designee to discuss expectations, progress, and program concerns. The requirements of DBA include:

- A. Completed application, which shall include the following information:
 1. Applicant and co-applicant's name, if appropriate, address, phone number, and email address.
 2. Employer Identification Number of the business.
 3. Proposed or actual property location of the business (mailing address and PIDN).
 4. Business's name, address, phone number, email address, and website address if it has one.
 5. Business's registered agent or contact person name, address, phone number, and email address.
 6. Business plan with the following sections: an executive summary, company description, market analysis, organization and management, service or product line, marketing and sales backup, and financial history and projections.
 7. Past three years business tax filings, if available.
 8. Business owner and applicant's work and management history.
 9. Supporting information to demonstrate financial stability and statement regarding prior business incentives received. It is a general policy to give a higher priority to applicants who have received no incentive previously.

- B. City of Dayton Occupational License.
- C. No outstanding or unpaid fines, orders, taxes (including property and payroll taxes), occupational license fees, rental license fees, or other city-related bills or charges owed by the applicant either at this proposed business location or at other locations in the City of Dayton.
- D. Signed grant contract between the applicant and the City.
- E. Completed initial and final building inspections through the City, the Bellevue- Dayton Fire Department and County Planning and Zoning Office or any combination thereof as deemed necessary. Inspections by the City also be conducted before and after an approved façade improvement project or sign installation takes place. Inspections can also occur at any time while under award term.
- F. Compliance with all City of Dayton Ordinances. This shall include compliance with all zoning/building/health/fire codes, air-quality codes, plus any other applicable ordinances, statutes, and/or regulations. Generally, *no* code citations shall be filed against any the property subject to the grant under current ownership within the past 12 months after an application is filed.
- G. Status reports. Applicants shall report information about the business to the City Administrator or his designee on a yearly basis by June 30 for the first full year following the approval of grant funds and every year thereafter through the duration of the award term.
- H. Provide detailed invoices and receipts for work completed and/or documents submitted for proof of purchase of labor and materials and payments under rental agreements.
- I. Agree, in writing, that any grant of funds is conditioned upon the business remaining in the operation in the City of Dayton for a term outlined in the specific contract related to the awarded grant. The term begins on the date outlined in grant contract.

VI. APPLICATION AND APPROVAL PROCESS.

A. APPLICATION SUBMISSION.

Every applicant must complete a program application specifying which type(s) of DBA grant funds the applicant desires to pursue. The applicant must attach all required documentation outlined within the application and as required in these Policies and Procedures for the different types of grants requested. Each section of the DBA will require specific supplemental documentation for the desired grant section.

Both the application and supporting material should be submitted to the City of Dayton, Attn: City Administrator. It is highly encouraged for all interested parties to meet with the City Administrator or his or her designee before applying for the grant.

Applicant(s) should also be aware that upon submission of an application the parties involved become subject to criminal and financial background checks. Any work started before the approval of an application and a signed contract will not be reimbursed through the grant.

B. REVIEW OF APPLICATION.

The City will review each application in the order in which it is received. The City Administrator or his or her designee shall review all applications for compliance and accuracy and may approve it, with or without conditions, or reject it. During this process, the applicant may be required to submit additional information for clarity. The City administration may deny a request for any reason.

C. POST-APPROVAL REQUIREMENTS.

If grant funds are approved, the applicant(s) are required to sign a grant contract with the City specifying the type of grant for which funds are awarded.

Any work started before the approval of an application with a signed contract will not be eligible for the DBA funding. If approved, funding will be released according to the contract for the designated program.

After a grant has been approved and a contract signed, applicant(s) are required to submit proof of purchases/expenses with detailed proof of purchases and receipts to the city within 90 days of receipt of such documentation before the city will consider the reimbursement request. An applicant may not submit for reimbursement any costs not outlined in the program application agreed upon between the applicant and the City.

VII. PROGRAM COMPLIANCE.

Applicants shall comply with all DBA program requirements as administered by the City Administrator or his or her designee. An applicant is considered non-compliant if applicant fails, either through action or lack of action, during the

application phase or Award Term, to abide by DBA Policies and Procedures or the terms of the signed contract. The City Administrator shall make the determination of whether an applicant is non-compliant.

If at any time, an applicant is deemed non-compliant, the applicant may have the grant award suspended and be liable to repay all funds received under the grant. Should repayment of grant award funds be required, the City may place a lien on any real or personal property belonging to the applicant and he or she shall be liable for all costs and expenses incidental to any action taken by the City, including but not limited attorney’s fees and legal costs, resulting from applicant’s non-compliance.

An applicant will not be penalized, however, if the applicant can demonstrate that an adverse and generally accepted negative economic conditions impacted the applicant’s ability to complete the project or otherwise comply with the terms of the grant award. However, this should not include poor management or factors that could have been prevented or foreseen.

An applicant may challenge the determination of non-compliance by the City Administrator by appealing this determination to the City Council in writing within thirty days of the initial determination by the City Administrator.

VIII. DBA ADMINISTRATION.

A. REPORTING.

The City Administrator or his or her designee will on a quarterly basis review all DBA grants and regularly report to the City Council for the purpose of review and departmental oversight.

B. DISTRIBUTION OF GRANT FUNDS.

Grant funds shall be distributed at different intervals depending on the type of grant that has been approved for funding. At a minimum, these requirements must be met before any work or action may begin or monies released. The applicant shall provide detailed invoices *and* receipts for work completed and/or legal documents submitted for proof of purchase and rental agreements.

C. TERMINATION OF PROGRAM.

The City may terminate the DBA Program at any time. The City will fulfill the terms and conditions of any agreement executed prior to the termination of the program so long as the applicant is not in default of the agreement.

Motion by Member Neary, seconded by Member Lovins to approve 2022#1R as read. Comments: City Adm. Fossett said this is focused more on our downtown. The façade improvement program has changed. The façade grant is now up to \$10,000 with a 50/50 match. The person applying must have paid all taxes, fines, licenses, any money owed to the city. We also have a call back provision. On the rental abatement program proof of rental payment is now needed. The rental abatement is now 50% for the first year, 25% for the second year, and 10% in the third year. Signage now requires a 50/50 match. These changes do not affect people already receiving funds.

ROLL CALL:

Member Lovins	Aye	Member Neary	Aye
Member Beseler	Aye	Member Nyman	Aye
Member Volter	Aye	Member Kelly	Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2022#2R**

**A RESOLUTION/ORDER OF THE CITY COUNCIL OF THE CITY OF DAYTON,
KENTUCKY, ACCEPTING THE RESIGNATIONS OF AMANDA BOWMAN FROM THE
PARK BOARD AND TANNER YESS FROM THE PLANNING AND ZONING
COMMISSION AND APPOINTING MR. YESS TO THE PARK BOARD.**

WHEREAS, the City of Dayton, Kentucky, has created a Planning and Zoning Commission and Park Board; and

WHEREAS, Amanda Bowman has submitted her resignation as a member of the Park Board and Tanner Yess has submitted his resignation from the Planning and Zoning Commission.

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

The City accepts the resignations of both Amanda Bowman as a member of the Park Board and Tanner Yess as a member of the Planning and Zoning Commission.

The City hereby appoints Mr. Yess to fill Ms. Bowman's unexpired term the Park Board, which will expire on December 31, 2023.

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 4th day of January, 20212.

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

Motion by Member Neary, seconded by Member Kelly to approve 2022#2R. Comments:
Thanks to Amanda & Tanner for their service to the board. Member Nyman said Amanda did an amazing job.

ROLL CALL:

Member Beseler	Aye	Member Nyman	Aye
Member Volter	Aye	Member Kelly	Aye
Member Neary	Aye	Member Lovins	Aye

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY
2022#3R

**A Resolution to Honor Kentucky
Humanities for 50 Years of Service
to the Commonwealth of Kentucky**

Whereas, Kentucky Humanities, an independent non-profit affiliate organization of the National Endowment for the Humanities, was established in 1972,

and

Whereas, Kentucky Humanities is devoted to bringing humanities programs to communities across the Commonwealth and recognizes the need to build civic engagement; promote literacy for all ages; honor the history, literature, philosophy, and values by which we live in all Kentucky towns, including the city of Dayton,

and

Whereas, Kentucky Humanities is dedicated to *Telling Kentucky's Story*, because we can all learn from the stories of others, that when taken together, shape our communities, our counties, our regions, and our unique Kentucky culture and heritage,

and

Whereas, Kentucky Humanities has made more than 2,600 grants to organizations in Kentucky totaling more than \$9 million in 50 years of service to the Commonwealth,

and

Whereas, Kentucky Humanities has funded more than 15,100 events since we began tracking the events in 1987, throughout the state of Kentucky including Speakers Bureau presentations, Kentucky Chautauqua® dramas, Kentucky Reads book discussions, and other special events,

and

Whereas, Kentucky Humanities has brought 10 Smithsonian traveling exhibitions to Kentucky for a total of 64 six-week tours reaching a reported audience of more than 77,000,

And

Whereas, Kentucky Humanities has published more than 48 issues of *Kentucky Humanities* magazine and distributed more than 565,000 copies to the citizens of Kentucky,

and

Whereas, Kentucky Humanities has published 14 New Books for New Readers with the University Press of Kentucky and has issued more than 75,000 copies of these books to adult emergent readers in Kentucky,

and

Whereas, Kentucky Humanities has assumed the management of the Kentucky Book Fair, now called the Kentucky Book Festival, the longest running and premier book festival in the state of Kentucky now celebrating its 40th year,

and

Whereas, the Kentucky Humanities has sponsored more than 280 Prime Time Family Reading® programs, reaching more than 4,200 families and more than 14,000 people in the Commonwealth,

Now, therefore, be it resolved that the City of Dayton in the Commonwealth of Kentucky recognizes and congratulates Kentucky Humanities for 50 years of service to the Commonwealth of Kentucky and Campbell County.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this 4th day of January, 2022.

CITY OF DAYTON, KENTUCKY

By: Ben Baker, Mayor

ATTEST:

Donna Leger

Clerk Treasurer

Motion by Member Nyman, seconded by Member Neary to approve 2022#3R.

ROLL CALL:

Member Volter	Aye	Member Kelly	Aye
Member Neary	Aye	Member Lovins	Aye
Member Nyman	Aye	Member Beseler	Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2022#4R**

**AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, AUTHORIZING AND RATIFYING THE PAYMENT
OF \$100 IN HOLIDAY COMPENSATION TO EVERY CITY EMPLOYEE.**

WHEREAS, the City Council wishes to recognize the hard work and dedication of all employees of the City of Dayton during the 2021 calendar year and show its appreciation for this work.

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

The City hereby authorizes and ratifies the payment of \$100 in holiday compensation to each employee in the City of Dayton, Kentucky.

That 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 4th day of January, 2022.

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

Motion by Member Volter, seconded by Member Nyman to approve 2022#4R as read.

ROLL CALL:

Member Neary	Aye	Member Lovins	Aye
Member Nyman	Aye	Member Beseler	Aye
Member Kelly	Aye	Member Volter	Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2022#5R**

**AN ORDER/RESOLUTION ACCEPTING THE PER-UNIT BID OF HENDY
CONSTRUCTION, INC. FOR FUTURE CONCRETE WORK WITHIN THE
CITY OF DAYTON.**

WHEREAS, the City of Dayton partnered with the City of Bellevue to create and advertise a Request for Proposals (“RFP”) for the procurement of concrete construction services on a per-unit-cost basis (“Concrete Services”); and

WHEREAS, three bidders – Adleta Construction, Inc., Hendy Construction, Inc. and TMS Construction, Inc. -- submitted bids for Concrete Services in response to the terms of the RFP; and

WHEREAS, the City staff of both cities reviewed and analyzed the RFP submissions on behalf of each City and considered the financial, technical, and legal qualifications of three contractors for providing the requested per-unit concrete work; and

WHEREAS, City staff determined that Hendy Construction, Inc., was lowest and best bid and recommends that each City accept the contractor’s per-unit concrete bid proposal.

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

The City recognizes the per-unit-cost bid proposal from Hendy Construction, Inc. for Concrete Services during the first year of this contract as follows:

Bid Item	Unit	Unit Price
Sidewalk 4"	S.F.	\$9
Minimum 400 SF per work order		
Sidewalk 6"	S.F.	\$10

Minimum 400 SF per work order		
Sidewalk 8"	S.F.	\$11
Minimum 400 SF per work order		
Standard Curb and Gutter	L.F.	\$52
Minimum 100 LF per work order		
Header Curb	L.F.	\$48
Minimum 100 LF per work order		
Integral Curb	L.F.	\$10
Minimum 100 LF per work order		
Paving, 9" doweled slabs	S.F.	\$14
Minimum 300 SF per work order		
Typical Curb Ramp (a.k.a. Handicap Ramp	S.F.	\$14
Not including Detectable Warning)		
Minimum 50 SF per work order		
ADA Approved Detectable Truncated	EA.	\$200
Dome Inserts		
Flowable Fill (installed)	C.Y.	\$100
Restoration of topsoil, seed & mulch	S.F.	\$1

The city, in its discretion, also may contract with Hendy Construction, Inc. for Concrete Services for the second and third year in the amounts shown on the attached exhibit.

The city hereby accepts and approves the bid proposal for Concrete Services outlined above for the upcoming year and as set forth in the attached exhibit for the second and third years.

The Mayor of the City of Dayton is hereby authorized to execute any documents necessary to accept this bid proposal.

That 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 4th day of January, 2022.

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

City Adm. Fossett said we now have a set price for any jobs we have in the city. If we find a lower price from another company we can go with that. But, we can use this when needed. Member Neary questioned if the city is responsible for the curbs, and the homeowners are responsible for the sidewalks? City Adm. Fossett said that is correct. Motion by Member Volter, seconded by Member Lovins to approve 2022#5R as read.

ROLL CALL:

Member Nyman	Aye	Member Beseler	Aye
Member Kelly	Aye	Member Volter	Aye
Member Lovins	Aye	Member Neary	Aye

Motion carried—so ordered.

Department Head's Report:

Chief Adkins, Fire Department, submitted a copy of his report. We currently have three firefighters out with Covid related issues. Our Christmas for the kids was a big success.

Chief Halfhill, Police Department, submitted a copy of his report. His goal for 2022 is to add more Officers to the department. We are down on calls, drug arrest, thefts, etc. I'd like to get some graphs and compare numbers to show our progress. Thanks to Sgt. Wilke for the help he gave to a family in December, and Officer Linkugel did a great job for the children at Christmas. Officer Linkugel has a list of activities planned for 2022.

Rick Lucas, Supt. Public Works, submitted a copy of his report. The department is staying busy. We have about 22.5 tons of salt. The property at 1015 Seventh has been demolished and backfilled.

Cassie Patterson, Code Enforcement, submitted a copy of her report. December has been a catch up month. Cassie has been working with the Police Department, and Fire Department on nuisance properties.

CITY ADMINISTRATOR'S REPORT:

Rick Lucas, Mike Yeager, and I have been working on street repaving. The City Engineer did an assessment of all the roads in the city. The roads were rated from best to worst. Council has a copy of this assessment. We have about \$240,000 in Municipal Road Aid Funds. Overall the streets in Dayton are pretty good. We recommend nine streets for repaving. The worst streets will be done first. The budget will be amended in February. Next is storm water projects. I've been working with Mike Yeager, City Engineer, on several storm water projects. We hope to get these to SD1 at their next board meeting. We currently have some storm water issues at Fourth & Kenton, on Ervin Terrace, Dayton Pike/Chateau Ridge, Grant Park, and another one at Third & Walnut. We can use the matching grant funds from SD1, some of the ARPA Funds, and money we've retained from the Grant Park TIF.

ADJOURNMENT:

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Ben Baker
Mayor

