

CITY OF DAYTON
COUNCIL MEETING
Feb. 1, 2022

A regular meeting of Dayton City Council was held on Tuesday, Feb. 1, 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:

It’s been a fun time to be the Mayor of Dayton. We’ve had a lot of fun with the Cincinnati Bengals and their success. We’ve temporarily renamed our city the “City of Who Deyton, Kentucky”. We’ve received a lot of national and international press. I really appreciate the council, our staff, and residents for putting forth a really good effort to celebrate the Cincinnati Bengals, and bring Dayton’s name to international light. Well done. Who Dey!

Motion by Member Kelly, seconded by Member Nyman to approve the minutes from Jan. 4, 2022 council meeting as received. Motion carried—so ordered.

Steve Pendery, Campbell County Judge Executive, congratulated the city on their cleverness. We don’t accomplish much if we don’t work together. Northern Kentucky has produced more jobs than Louisville or Lexington over the course of the last generation. In the same time frame Northern Kentucky produced more jobs, and the entire state of Kentucky lost jobs. Thank you for the part you play in this. I’m sure you are all aware of the issues we’ve had to deal with during covid. People working from home, kids doing school work from home or an elderly parent that needs to communicate with their doctor remotely. You may have had difficulty transmitting information at times. The three Northern Kentucky Counties have been working for years with Cincinnati Bell and others to try and find a solution to this problem. Money has always been an issue. Federal money that came our way has provided us with an opportunity. We put out an RFP with Boone County leading the way. Three Northern Kentucky Counties entered into a contract with Cincinnati Bell to provide Fiber Optics Cable to the door of every residents and every business in Northern Kentucky. After completion of this project Northern Kentucky will be the largest area that has Fiber Optics to the door. Fiber Optics Cable is future proof technology. There is unlimited potential in the future to expand. We’ve been told that within three years everyone in Northern Kentucky will have such a connection. Mayor Baker understands how important this is and commended Mr. Pendery and the other executives for all their effort. This is huge for our city. Mr. Pendery said this is another reason to move your business to Northern Kentucky.

Ordinance & Orders:

In our current ordinance we have nothing about littering on public property only private property. The changes in Ordinance 2022#1 will now address littering on private and public property.

CITY OF DAYTON, KENTUCKY ORDINANCE NO. 2022#1

AN ORDINANCE AMENDING CHAPTER 94 OF THE CITY OF
DAYTON CODE OF ORDINANCES DEALING WITH LITTERING
AND DUMPING ON PRIVATE AND PUBLIC PROPERTIES.

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

Chapter 94 of the City of Dayton Code of Ordinances is hereby amended as follows:

CHAPTER 94: LITTERING AND DUMPING

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

~~Penalty, see § 94.99 Civil offense, see § 38.15~~

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

~~Civil offense, see § 38.15~~

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled, in vehicles provided with tight boxes or beds so constructed or loaded or covered as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials ~~which~~ that fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.

~~Civil offense, see § 38.15~~

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and gutter in front of their premises free of litter.

~~Civil offense, see § 38.15~~

§ 94.05 DUMPING OR LITTERING ON PUBLIC OR PRIVATE PROPERTY.

(A) No person shall dump or throw or deposit litter or trash on any public property, including parks and recreational areas and public bodies of water or sewers, or on any occupied or unoccupied private property, including vacant or abandoned properties and private bodies of water or sewers, within the city, whether private property is owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for waste collection in such a manner that trash or litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

~~—(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.~~

~~Civil offense, see § 38.15~~

§ 94.06 UNSOLICITED WRITTEN MATERIALS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CODE ENFORCEMENT OFFICER." A person authorized by state law or local ordinance to issue a citation for a violation of this section.

"FRONT DOOR." The street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.

"PORCH." An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

"PREMISES." A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

"PRINCIPAL STRUCTURE." A structure, or combination of structures of primary importance on the premises, ~~and that~~ which contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

"UNSOLICITED WRITTEN MATERIALS." Any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

(B) *Placement of unsolicited written materials.* Unsolicited written materials delivered to premises shall be placed:

- (1) On a porch, if one exists, nearest the front door;

(2) So that such materials are securely attached to the front door;

(3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2;

(D) Unsolicited written materials placed at a premises create a rebuttable presumption that the materials were placed at the premises by the owner, agent, manager, and/or authorized distributor of the business, product, good, service, message, or idea, which is being advertised, promoted, endorsed, or conveyed in such materials.

(E) The provisions of this section do not apply to the United States Postal Service.

(F) Any placement of unsolicited written materials in areas on or adjacent to a premises other than as set forth in division (B) of this section shall be a violation of this section, ~~classified as a civil offense, and~~ may be enforced by issuance of a civil citation by a ~~citation code enforcement~~ officer, ~~consistent with Chapter 38 or as it may be amended.~~

~~(G) Civil penalty. The civil penalty for each violation of this section shall in accordance with the City Civil Fine Schedule as outlined in § 38.15.~~

§ 94.99 PENALTY.

~~(A) The owner of any motor vehicle or other mobile unit who violates §§ 94.01, 94.02 or 94.03 shall be subject to a civil offense with a civil fine of \$75. Unless paid or timely appealed, the fine shall be increased to \$150.~~

~~(B) Whoever violates any of the provisions of this chapter for which no other penalty has been specifically provided shall be guilty of criminal littering under KRS 512.070 and subject to the penalties thereunder and/or shall be fined in accordance with the City Civil Fine Schedule as set forth in § 38.15.~~

First Reading: Feb. 1, 2022
Second Reading:

CITY OF DAYTON, KENTUCKY

By: _____
Mayor Ben Baker

ATTEST:

Donna Leger, City Clerk

The city must do an annual budget each year. This is usually done in June. Things change, revenues change, expenses change so we need to make those changes now. City Adm. Fossett said we'll probably have one more amended budget before the end of the fiscal year.

CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2022#2

AN ORDINANCE AMENDING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2021, THROUGH JUNE 30, 2022, & ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE CITY TO THE FULL EXTENT AUTHORIZED BY KRS 82.082 AND INTERPRETATIVE CASE LAW.

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

Section I: That the annual budget for the fiscal year beginning July 1, 2021, and ending June 30, 2022, to estimate revenues and resources and appropriate funds for the City to the full extent authorized by KRS 82.082 and interpretative case law, is hereby adopted as follows:

Resource Available	General Fund	Municipal Road Aid	Parks
Fund Balance Forward	843,087 693,099	167,092 195,157	84,911
ESTIMATED REVENUES:			
Transfers from other Accounts/Funds			
Property Tax	2,050,957		125,000
Licenses and Permits	1,488,200 1,488,100		
Intergovernmental	78,505 81,602	93,500 103,000	
Fines & Penalties	95,750 84,250		
Charges for Services	387,305		

Other	2,187,069 <u>2,228,087</u>		2,000
Interest	1,700	300	75
Total Estimated Revenue	6,289,486 <u>6,322,001</u>	93,800 <u>103,300</u>	127,075
Total Resources Available for Appropriation	7,132,573 <u>7,015,100</u>	260,892 <u>298,457</u>	211,986
APPROPRIATIONS:			
General Government	671,501 <u>722,998</u>		
Police Department	4,547,014 <u>1,624,476</u>		
Fire Department	1,237,689		
Public Works	532,730 <u>538,230</u>	30,000	65,000
Building Services	99,564		
Waste Collection	269,905		
Professional Services/Grants/Misc.	2,774,170 <u>2,468,297</u>	230,892 <u>268,957</u>	
Capital Outlay	<u>53,941</u>		
Main Street			
Park Maintenance			12,500
Utilities/Operations			28,200
Repair/Maintenance			10,500
Miscellaneous			1,000
Parks			<u>65,200</u>
Total Appropriations	7,132,573 <u>7,015,100</u>	260,892 <u>298,457</u>	117,200 <u>130,200</u>
Excess of resources over/under appropriations	0	0	94,786 <u>81,786</u>
Transfers to other funds	0	0	
Estimated fund balances	0	0	47,074 <u>81,786</u>

Resource Available	Economic Development	Sargeant Park Trust Fund	TIF	Capital Outlay
Fund Balance Forward	749,007	36,182 <u>30,000</u>	1,500	0
ESTIMATED REVENUES:				
Transfers from other Accounts/Funds				
Transfers from Reserves				150,000
Charges for Services				
Land Sale Payment				
Other (Taxes/Interest)	1,000	200	350,000	
Intergovernmental	0			
Total Estimated Revenue	1,000	200	350,000	
Total Resources Available for Appropriation	750,007	36,382 <u>30,000</u>	351,500	150,000
APPROPRIATIONS:				
Capital Improvements	100,000	12,000		
CCAP	35,000			
Demolition	50,000			
Grant(s) Match				150,000
Equipment				
Bonds				
TIF Payment			280,000	
Total Appropriations	185,000	12,000	280,000	150,000
Excess of resources over/under appropriations	565,007	24,382 <u>30,000</u>	71,500	0
Transfers to other funds				
Estimated fund balances	565,007	24,382 <u>30,000</u>	71,500	0

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: 2/1/2022

Second Reading: 3/1/2022

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
RESOLUTION/ORDER NO. 2022#6R**

**A RESOLUTION/ORDER OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, ACCEPTING THE RESIGNATION OF STEVE
CODELL FROM THE ETHICS COMMISSION.**

WHEREAS, the City of Dayton, Kentucky, has established an Ethics Commission (“Commission”) pursuant to KRS 65.003; and

WHEREAS, under Section 40.12 of the Dayton Code of City Ordinances, the Mayor of the City appoints members of the Commission, subject to the approval of City Council; and

WHEREAS, the City wishes to accept the resignation of an existing member of the Commission.

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

The City accepts the resignation of Steve Codell from the Ethics Commission.

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 1st day of February, 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 Kelly to approve 2022#6R as read. Comment: Mr. Codell is moving out of town.

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
RESOLUTION/ORDER NO. 2022#7R**

**A RESOLUTION/ORDER OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, APPOINTING RODNEY SPARKS TO THE DAYTON
PLANNING AND ZONING COMMISSION.**

WHEREAS, the City of Dayton, Kentucky, has established a Planning and Zoning Commission (“Commission”) pursuant to KRS 100.130; and

WHEREAS, under Section 34.61 of the Dayton Code of City Ordinance, the Mayor of the City appoints members of the Commission, subject to the approval of City Council; and

WHEREAS, the City wishes to appoint a new member to the Commission.

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

The City appoints Rodney Sparks to the Commission to a term that will expire on December 31, 2024.

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 1st day of February, 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 Nyman, seconded by Member Beseler to approve 2022#7R as read. Comments: Member Volter noted Rodney Sparks will be a great addition to the board.

ROLL CALL:

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

Motion carried—so ordered.

Department Head Reports:

Chris Adkins, Fire Chief, submitted a copy of his report. Bryman Weir has completed his training. The Fire Department is fully staffed. In January 2021 we had 178 calls for service. We had a 19% increase this year compared to last year. The next Fire Board Meeting is Feb. 16, 6:00 p.m. at the Callaghan Center in Bellevue.

David Halfhill, Police Chief, submitted a copy of his report. The Chief reported that crime has gone down in the last two years. He'll have more information at the Vision Meeting. Community involvement is a great asset.

Rick Lucas, Supt. of Public Works, submitted a copy of his report. Public Works is ready for the snow/ice that is coming this week. We have four trucks ready to go, and 70-80 tons of salt in stock. We received our new backhoe. Thanks to everyone who made this possible. Public Works is also looking for another laborer.

Cassie Patterson, Code Director, submitted a copy of her report. Vacant properties are billed \$500.00 every six months, and another \$500.00 if still vacant after six more months. A total of \$1,000.00 a year. Three of the properties in the top ten list are up for sale on Feb. 22. Member Volter thanked Ms. Patterson for her quick response to complaints.

City Administrator's Report:

If you've noticed dump trucks this week it's because of the construction on Manhattan Blvd. The developer is in the process of raising the second section of Manhattan Blvd. They need to truck in a lot of clean dirt. It might take about three weeks. They plan to bring in 40,000 yards of dirt. The streets will be cleaned every few days or once a day. The Planning & Zoning meeting is tomorrow night.

City Attorney's Report:

City Attorney Edmondson congratulated everyone who decided to run for council again. He said when there are only six running for council and one candidate for Mayor it tells you people in the community are happy with the progress. Congratulations to all.

Audience:

Zack Metz, 618 Third Ave., asked where communication would come from if an emergency arises. The city would use social media, cell service, neighborhood groups, and put out paper fliers in common places throughout the city. Messages from emergency management can be forwarded to City Adm. Fossett and Asst. City Adm. Barks for the website.

The city, in connection with Main Street & Member Neary, will give all businesses a bucket of rock salt to use on the sidewalks in front of their business. Letters will be mailed to all businesses advising them of this offer.

Audience:

Kathy Gordon, Third Avenue, was concerned about liability if you clear your sidewalk of snow & ice. It was said, if you don't touch the snow/ice you're not liable.

New Business:

Member Lovins questioned why city stickers were stopped years ago. We have a parking situation that never ends, “Out of State License Plates”. Chief Halfhill said this is a very difficult situation. Residents can report this to Freddie Freeroader. A flier will be given to Manhattan on the River Apartments and Gateway Apartments. Chief Halfhill said he recently wrote 15 tickets for Ohio tags and expired tags. Vehicle owners can appeal if they do not feel they are guilty.

The City will have a Super Bowl Kick Off party on Saturday, February 12th at the monument. Wear your orange & black.

Executive Session:

Mayor Baker entertained a motion to go into executive session to discuss KRS 61.810 (1) (b), deliberations on the future acquisition or sale of real property when publicity would be likely to affect the value of the property. Motion by Member Volter, seconded by Member Nyman to go into executive session. Motion carried—so ordered.

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

**CITY OF DAYTON, KENTUCKY
RESOLUTION/ORDER NO. 2022#8R**

**A RESOLUTION/ORDER OF THE CITY COUNCIL AUTHORIZING THE
CITY ADMINISTRATOR TO PURCHASE UP TO FOUR PROPERTIES IN
FORECLOSURE SALES THAT WILL BE CONDUCTED BY THE CAMPBELL
COUNTY MASTER COMMISSIONER ON FEB. 22, 2022.**

WHEREAS, the City of Dayton, Kentucky, has filed foreclosure actions or was named a party in foreclosure actions for properties located in the City; and

WHEREAS, these properties will be sold by the Campbell County Master Commissioner at a public auction on Feb. 22, 2022; and

WHEREAS, City wishes to bid on and possibly purchase up to four of these properties.

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

The Dayton City Administrator is authorized to purchase up to four properties in foreclosure sales that will be conducted by the Campbell County Master Commissioner on Feb. 22, 2022, and hereby grants discretion to the city administrator to purchase these properties at prices he deems appropriate.

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 1st day of February, 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#8R as read. All in favor.
Motion carried—so ordered.

Adjournment:

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Ben Baker
Mayor

