

CITY OF DAYTON  
Regular Council Meeting  
February 7, 2023

Dayton City Council held a Regular Council meeting on Tuesday, February 7, 2023, at 7:00 pm at the Dayton Community Center, 625 Second Avenue.

**Roll Call:**

Mayor Baker	Present	Member Kelly	Absent
Member Volter	Present	Member Lovins	Present
Member Neary	Present	Member Wirick	Present
Member Nyman	Present	City Admin. Fossett	Present
City Atty Edmondson	Present		

Mayor Baker opened the meeting with a prayer and the pledge of allegiance.

**Mayor's Report:**

Mayor Baker said the Bengals had a fantastic season. We had a lot of fun renaming the city to Who Deyton, but the city will return to Dayton. Mayor Baker announced that City Clerk Tiffany Myers has accepted a job in the City of Newport; he wished her happiness and success and let her know he was proud of the work she has done here. Motion by Member Neary, seconded by Member Nyman, to approve the January 3, 2023 minutes.

Motion carried- so ordered.

**Orders/Resolutions:**

1<sup>st</sup> reading.

**CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2023#1**

**AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE CITY OF DAYTON; AND FURTHER DIRECTING THE CITY OF DAYTON TO APPLY FOR AN ENTERTAINMENT DESTINATION CENTER LICENSE FROM THE KENTUCKY DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL; AND FURTHER ESTABLISHING THE REQUIREMENTS FOR A LICENSEE TO SELL ALCOHOLIC BEVERAGES WITHIN THE COMMON AREAS OF THE ENTERTAINMENT DESTINATION CENTER.**

**WHEREAS**, KRS 243.030(21) authorizes the issuance of an Entertainment Destination Center (EDC) License by the Kentucky Department of Alcoholic Beverage Control; and

**WHEREAS**, in addition to the Central Business Historic District and other attractions, the creation of an EDC in the designated area as described herein certain boundaries of the City will aid in the economic growth of tourism in the City; and

**WHEREAS**, the City seeks to create an EDC on Sixth Avenue for which it shall obtain a license from the Kentucky Department of Alcoholic Beverage Control; and

**WHEREAS**, the City further seeks to establish the requirements for a licensee to sell alcoholic beverages within the common areas of the EDC.

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

**Section 1.** A new Section 111.20 of the Dayton Code of Ordinances, under Chapter 111, Alcoholic Beverages, shall state as follows:

The geographical boundaries of the Entertainment Destination Center (“EDC”) in the City of Dayton lie within and immediately adjacent to the following description:

The Entertainment Destination Center is a geographic area that is bordered on the north by the structures and sidewalks fronting Sixth Avenue, including Sixth Avenue and its sidewalks, on the south by the structures and sidewalks fronting Sixth Avenue, and including Sixth Avenue and its sidewalks, on the east by Main Street and on the west by O’Fallon Avenue. The geographic area also includes Berry Avenue and its sidewalks, and the structures and sidewalks fronting Berry Avenue, from Sixth Avenue to Fifth Avenue on the north, including Monument Park, and Berry Avenue and its sidewalks, and the structures and sidewalks fronting Berry Avenue, from Sixth Avenue to Seventh Avenue on the south.

A map of the EDC is attached as an exhibit to this ordinance, which is incorporated herein.

**Section 2.** A new Section 111.21 of the Dayton Code of Ordinances shall state as follows:

(a) The City of Dayton shall apply for an EDC license.

(b) A business located within the EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises.

(d) During days and times designated by the City, patrons may leave the premises of businesses located in the EDC that sell alcoholic beverages with alcoholic beverage drinks and consume those drinks in any EDC common area, as outlined above, or at other licensed premises within the EDC if permitted by said business, if the City:

(1) Possesses or owns the common area;

- (2) Provides adequate security for the common area;
- (3) Ensures that the public streets are controlled in a manner that promotes public safety and pedestrian protection from vehicular traffic;
- (4) Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the entertainment destination center;
- (5) Requires any drinks that are removed from the licensed premises within the EDC be in a particular type and/or style of cup as determined by the City.

(e) The City shall have the authority to draft, create, and enforce further regulations within the EDC, by executive order, which does not require an additional or amended ordinance.

First Reading: Feb. 7, 2023

Second Reading:

CITY OF DAYTON, KENTUCKY

By: \_\_\_\_\_

Mayor Ben Baker

ATTEST:

\_\_\_\_\_

Angela Behne, Acting City Clerk

**Comments:** City Manager Fossett discussed that Bellevue has adopted an Entertainment District, DORA, allowing people to take drinks outside of businesses. A specialty cup will be available for the local business to purchase from the city, all patrons will be required to have is special cup to walk around the Entertainment District. The proposed name of the district is the "Rope District" City Admin. Fossett thanked Assistant City Admin. Barks for all his hard work on the name and logo.

**CITY OF DAYTON, KENTUCKY  
ORDER/RESOLUTION NO. 2023-9R**

**AN ORDER/RESOLUTION OF THE DAYTON CITY COUNCIL  
AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE  
AGREEMENT TO PURCHASE PROPERTY LOCATED AT 705 BOONE  
STREET, DAYTON, KY., AND AUTHORIZING THE CITY ADMINISTRATOR  
TO PREPARE AND EXECUTE A CHARITABLE CONTRIBUTION TAX-  
EXEMPT CERTIFICATION FORM ON BEHALF OF THE CITY IN  
CONNECTION WITH THIS PURCHASE.**

WHEREAS, AVM Investments, Inc. (“AVM”) is willing to sell the real estate located at 705 Boone Street, Dayton, Ky. (“Real Estate), and the City of Dayton, Kentucky (“City”) is willing to purchase this Real Estate upon terms and conditions set forth in a Real Estate Purchase Agreement (“Purchase Agreement”), which is attached hereto and made by reference a part hereof.

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

The Mayor is hereby authorized to execute to a Real Estate Purchase Agreement to purchase property located at 705 Boone Street, Dayton, Ky. in the amount of \$5,000 and authorizing the City Administrator to prepare and execute a charitable contribution tax-exempt certification form in the amount of \$9,000 from the City to AVM in connection with the sale and transfer of this Real Estate to the City.

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

AND IT IS SO ORDERED AND RESOLVED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this 7<sup>th</sup> day of February 2023.

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

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MAYOR BENJAMIN BAKER

ATTEST:

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Angela Behne Acting City Clerk  
CITY CLERK/TREASURER

**Comments:** City Admin. Fossett said 705 Dayton Pike was purchased at auction for \$14000.00 but after a demo order was issued the owner agreed to sell to us for \$5000.00, and the remainder would be a Charitable Contribution to the City of Dayton.

Motion by Member Nyman, seconded by Member Volter, to approve Order/Resolution 2023-9R as read.

**Roll Call:**

Member Wirick	Aye	Member Nyman	Aye
Member Volter	Aye	Member Kelly	Absent
Member Neary	Aye	Member Lovins	Aye

Motion carried-so ordered.

**CITY OF DAYTON, KENTUCKY  
RESOLUTION/ORDER NO. 2023-10R**

**AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
DAYTON, KENTUCKY, APPOINTING ANGIE BEHNE AS INTERIM CITY  
CLERK ON A TEMPORARY BASIS.**

WHEREAS, City Clerk Tiffany Myers is resigning her position with the City of Dayton, Kentucky (“City”), effective February 14, 2023; and

WHEREAS, the City is currently conducting a search for Ms. Myers’ replacement; and

WHEREAS, Angie Behne currently serves as Assistant City Clerk in the City.

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

The City hereby appoints Angie Behne as Interim City Clerk, effective February 15, 2023, until such time as a new full-time City Clerk is appointed by the Mayor and City Council and increases Ms. Behne’s hourly wage rate by \$4 per hour in recognition of the additional duties and responsibilities she will be undertaking in her role as Interim City Clerk, with her hourly rate returning to its previous rate when City Council appoints a new City Clerk.

AND IT IS SO RESOLVED AND ORDERED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this 7th day of February 2023.

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

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MAYOR BENJAMIN BAKER

ATTEST:

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Angela Behne

ACTING CITY CLERK

Motion by Member Lovins, seconded by Member Neary, to approve Order/Resolution 2023-10R as read.

**Roll Call:**

Member Volter	Aye	Member Kelly	Absent
Member Neary	Aye	Member Lovins	Aye
Member Nyman	Aye	Member Wirick	Aye

Motion carried-so ordered.

**CITY OF DAYTON, KENTUCKY  
ORDER/RESOLUTION NO. 2023-11R**

**AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, APPROVING NEW PERSONNEL POLICIES IN AN UPDATED CITY OF DAYTON EMPLOYEE HANDBOOK.**

**WHEREAS**, the personnel policies for employees and elected officials of the City of Dayton, Kentucky (“City”) have not been updated for many years; and

**WHEREAS**, the City wishes to update its personnel policies to make them compliant with current state and federal laws and regulations and best practices; and

**WHEREAS**, the attached City of Dayton Employee Handbook will update the city’s personnel policies.

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

The attached City of Dayton Employee Handbook (“Employee Handbook”), which is attached hereto and made by reference a part hereof, is hereby adopted by the City Council of the City of Dayton, Kentucky.

To comply with future changes made in state or federal law or for other appropriate reasons, the City shall have the authority to amend the personnel policies contained in the Employee Handbook by executive order without the need for an amended Order/Resolution.

AND IT IS SO ORDERD AND RESOLVED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this 7th day of February 2023.

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

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MAYOR BENJAMIN BAKER

ATTEST:

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Angela Behne

ACTING CITY CLERK

Motion by Member Nyman, seconded by Member Neary, to approve Order/Resolution 2023-10R as read.

Roll Call:

Member Neary	Aye	Member Lovins	Aye
Member Nyman	Aye	Member Wirick	Aye
Member Kelly	Absent	Member Volter	Aye

Motion carried-so ordered.

**CITY OF DAYTON, KENTUCKY  
ORDER/RESOLUTION NO. 2023-12R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, OPPOSING THE PASSAGE OF HOUSE BILL 132 INTRODUCED IN THE 2023 KENTUCKY LEGISLATIVE SESSION EXEMPTING LOCAL AD VALOREM TAXES ON MOTOR VEHICLES**

**WHEREAS**, the Kentucky General Assembly has introduced a bill (HB 132) in the Kentucky House of Representatives that would make motor vehicles, recreational vehicles, trailers, and semitrailers exempt from state and local ad valorem taxes; and

**WHEREAS**, under Kentucky law, cities, counties school districts, and fire districts are permitted to assess a local ad valorem tax on motor vehicles within their jurisdictions; and

**WHEREAS**, this tax constitutes nearly five percent of the City of Dayton annual budget, and passage of HB 132 would create a substantial financial hardship on the City at a time when it is dealing with increasing costs caused by inflation and other economic reasons.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dayton, Kentucky, hereby urges our state legislators to vote against House Bill 132 as well as any future legislation that eliminates the ability of local governments to impose a motor vehicle tax on vehicles in their jurisdictions.

This resolution shall have the full effect and force of the law upon passage according to the laws and ordinances of the Commonwealth of Kentucky, and under my signature this 7th day of February 2023.

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Mayor Ben Baker

ATTEST:

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ANGELA BEHNE ACTING CITY CLERK

**Comments:** City Admin. Fossett explained that this would exempt local taxation of vehicles & trailers and this represents 5% of our entire budget.

Motion by Member Nyman, seconded by Member Neary, to approve Order/Resolution 2023-12R as read.

**Roll Call:**

Member Nyman	Aye	Member Wirick	Aye
Member Kelly	Absent	Member Volter	Aye
Member Lovins	Aye	Member Neary	Aye

Motion carried-so ordered.

**CITY OF DAYTON, KENTUCKY  
ORDER/RESOLUTION NO. 2023-13R**

**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, OPPOSING THE PASSAGE OF SENATE BILL 50 AND HOUSE BILL 50 INTRODUCED IN THE 2023 KENTUCKY LEGISLATIVE SESSION RELATING TO PARTISAN LOCAL ELECTIONS**



**WHEREAS**, the Kentucky General Assembly has proposed bills in both the Kentucky Senate and the Kentucky House of Representative to require partisan local elections, including the mayor and legislative body members of all cities; and

**WHEREAS**, it has been the collective experience of members of this body that the question of party affiliation is an infrequent question during a campaign, suggesting the voters do not consider this issue a significant concern; and

**WHEREAS**, the statute currently allows local legislative bodies and boards to opt for partisan elections, giving those with the best insight into the will of their constituents the ability to make the change if it is desired by the voters; and

**WHEREAS**, this will represent a substantial increase in election costs and organizational efforts within our jurisdictions; and

**WHEREAS**, we have recognized an increased challenge in finding qualified people to serve in local elected positions and see the addition of a primary election as well as the potential for partisan acrimony a further hurdle in attracting good people to these positions; and

**WHEREAS**, we ultimately see no significant benefit to requiring partisan elections that would warrant the additional cost and challenges presented by the requirement.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dayton, Kentucky, hereby urges our state legislators to vote against House Bill 50 and Senate Bill 50 as well as any future legislation that requires partisan elections on a local level.

This resolution shall have the full effect and force of the law upon passage according to the laws and ordinances of the Commonwealth of Kentucky, and under my signature this 7th day of February 2023.

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Mayor Ben Baker

ATTEST:

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Angela Behne Acting City Clerk

Motion by Member Volter, seconded by Member Lovins, to approve Order/Resolution 2023-13R as read.

**Roll Call:**

Member Lovins	Aye	Member Volter	Aye
Member Wirick	Aye	Member Neary	Aye
Member Nyman	Aye	Member Kelly	Absent

Motion carried-so ordered.

**Department Head's Report:**

Police Chief Halfhill submitted his monthly report and year-end report. In addition, the Police Department is instating an Officer of the Year.

Fire Chief Atkins submitted his monthly report. He also mentioned the Fire Boards Strategic Planning meeting is coming up on the 15<sup>th</sup> of February.

Code Officer Cassie Patterson submitted her monthly report and stated that her year-end report is ready but will present her report at the Strategic Planning meeting. In addition, she has spent time on her repeat offenders, final orders, and foreclosures.

Assistant City Admin. Barks submitted a presentation including Payroll Tax, Motor Vehicle Tax, and Insurance Premium Tax. In addition, he showed graphs and charts concerning Grants and how they affect our budget. Any new Grants need to be looked at closely before applying.

**Audience:**

Laura Moeller asked about adding more trash receptacles, especially if DORA is approved. City Admin. Fossett responded that he believed there were Grants available for trash cans and benches.

**New Business:**

Member Neary put a traffic issue to the council; he is asking for council to consider making 100 blocks of 5th Avenue becoming a two-way street. Also, Parcels at 6<sup>th</sup> Avenue & Berry, known as Monument Park, 3 parcels could be included and name this as a park so Park Board funds can be used to improve this property. Member Nyman as if the park name will be fixed during an ordinance.

Member Nyman would like the council to consider allowing chickens in the city. Discussion ensued with council members.

**Executive Session:** Mayor Baker entertained a motion to go into executive session for KRS 61.810 (C) discussions of proposed or pending litigation against or on behalf of the public agency.

Motion by Member Volter, seconded by Member Neary, to go into executive session. Motion carried- so ordered.

Motion by Member Neary, seconded by Member Nyman, to go back into regular session. No action was taken during the executive session. Motion carried- ordered.

**Adjournment:**

Mayor Baker adjourned the meeting.

Ben Baker  
Mayor

ATTEST:

Angie Behne  
Acting City Clerk

