

CITY OF DAYTON
Regular Council Meeting
March 7, 2023

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

Roll Call:

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

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

Jerry Huntley discussed the dos and don'ts with the new sound system.

Mayor's Report:

Mayor Baker brought our attention to the article in the Cincinnati Business Courier stating that there will be two new businesses in our city, Roebing Point Books and Lil's Bagels. We are super happy to welcome them to Dayton.

We have come a long way in several years, the community center remodel, and the hiring of City Administrator Jay Fossett 2 years ago. We have made huge bounds in these 2 years, going after blighted properties, we have a top 10 list that is now a top 30 properties. Motion by Member Volter, seconded by Member Nyman, to approve the February 7, 2023 minutes, Member Lovins absented.

Motion carried – so ordered.

Citizens to address the City:

Nathan Kroger, Main Street Advisor, 313 Van Voast, we voted and recommended the Rope Walk. Becky Mays, Rope Walk, doesn't think it's necessary to have people in front of her home drinking and disturbing the residents of this town.

Barry Baker, 404 8th avenue, is for the Entertainment District, wants more information about the district. The district goes from 6th & O'Fallon to 6th & Main. Jay responded that we could expand or reduce the district if there are any issues.

Administrator Fossett is hoping the Rope Walk will spur more commercial businesses along the avenue.

Presentation by John Chamberlin of Chamberlin Owen concerning the audit done in January 2023 for our 2022 Fiscal year. The city passed and is financially stable.

Orders/Resolutions:

2nd 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: March 7, 2023

CITY OF DAYTON, KENTUCKY

By: _____

Mayor Ben Baker

ATTEST:

Angie Behne, Acting City Clerk

Comments: City Manager Fossett discussed attracting people on the weekends to walk the district and that other cities have had very few problems. If any problems arise, we can address them and make changes. Police will report any problems that they encounter. City Manager Fossett is hoping this will attract new businesses in some buildings that are being used as residential instead of their original use of commercial. Council Kelly asked if we had notified the residents in the district and asked how they feel, City Manager Fossett asked Asst Manager Barks to get a letter together for the residents along the Entertainment District. Member Volter stated he felt everyone would follow rules and regulations. Member Wirick asked if we knew of any arrests in Bellevue, Chief Halfhill contacted the Chief of Police in

Bellevue and stated there have been no problems or arrests. City Manager Fossett was asked to check on the Interloper Agreement with Bellevue so people can walk between cities with specially marked cups.

Motion by Member Volter, seconded by Member Nyman to approve Ordinance No. 2023#1 as read.

Roll Call:

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

Motion carried-so ordered.

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2022#02**

AMENDING SECTION 95.01 OF THE DAYTON CODE OF ORDINANCES RECOGNIZING MONUMENT PARK AND RIVERFRONT COMMONS AS CITY PARKS IN THE CITY OF DAYTON, KENTUCKY.

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

Section § 95.01 of the Dayton Code of Ordinances (“Code”) is hereby amended to add two recreational parks within the city, with words being deleted being ~~lined through~~ and words being added underlined as follows:

§ 95.01 LOCATION OF PARKS.

(A) Gil Lynn Park - A city owned park roughly six acres in size located south of the flood levee between Berry Avenue and Greendevil Lane.

(B) Clark Street Park - A city owned park roughly ~~67~~ 1.10 acres in size located at the intersection of Clark Street and 4th Avenue and continuing east of the floodwall on 4th Avenue to Mary Ingles Highway.

(C) Sargeant Park - A city owned park roughly 16.3 acres in size located on Covert Run Pike just east of 853 and 856 Covert Run Pike between the cities of Bellevue and Fort Thomas.

(D) Vine Street Park - A city owned park roughly 0.18 acres in size located on the north side of the 300₂block intersection of Vine Street and Fourth Avenue.

(E) Jamestown Pike Park - A city owned park roughly 4.08 acres in size located on Dayton Pike between 706 Boone Street and 110 Dayton Pike.

(F) Monument Park – A city owned park roughly 0.84 acres in size located at the northeast corner of Sixth Avenue and Berry Street.

(G) Riverfront Commons – A city owned park roughly 40 acres in size located from O’Fallon Avenue to the start of Mary Ingles Highway parallel to and between the Ohio River to the back lot lines of properties located on the north side of Manhattan Boulevard (Riverfront Commons river’s-edge trail area) and parallel to and south of Manhattan Boulevard to the toe of the levee on its south side (Riverfront Commons levee trail area).

A map depicting the location of Monument Park and Riverfront Commons in the city is attached hereto and made by reference a part hereof.

First Reading: March 7, 2023

Second Reading:

CITY OF DAYTON, KENTUCKY

By: _____

Mayor Ben Baker

ATTEST:

Angie Behne, Acting City Clerk

Comments: City Manager Fossett was asked to put this on the agenda by Member Neary to make sure it was clear Monument Park and Riverfront Commons were parks. This order is being amended so there are no questions about spending money on these parks. The city spends a lot of time and money on these two parks with the maintenance of flood wall, trails and events.

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

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED TO PURCHASE PROPERTY LOCATED AT 1004 7th AVENUE, 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, Phantom Farms, LLC (“Phantom Farms”) is willing to sell the real estate located at 1004 7th Avenue, Dayton, Ky. (“Real Estate) to the City of Dayton, Kentucky (“City”) and the City is willing to purchase this Real Estate from Phantom Farms.

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

The Mayor is hereby authorized to enter into a deed to purchase property located at 1004 7th Avenue 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 \$8,000 from the City to Phantom Farms 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 7th day of March 2023.

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

MAYOR BENJAMIN BAKER

ATTEST:

ANGIE BEHNE

ACTING CITY CLERK/TREASURER

Comments: City Manager Fossett explained that we own 701, 703 & 705 Boone and this new property we purchased, 1004 7th, sits directly behind the prior purchased properties. This gives the city the opportunity to control what gets developed on this land. The property at 705 will require some tear down in the future before any development.

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

Roll Call:

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

Motion carried-so ordered.

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

**A RESOLUTION/ORDER OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, ADOPTING RULES AND REGULATIONS FOR
THE CITY'S ROPE WALK ENTERTAINMENT DISTRICT.**

WHEREAS, the City of Dayton has established by ordinance the Rope Walk Entertainment District ("RWED"), pursuant to KRS 243.030(21); and

WHEREAS, the ordinance provides that the City shall have the authority to draft, create, and enforce further regulations within the RWED; and

WHEREAS, the taverns and restaurants in the RWED desire to provide service from lunches and brunches to that are consistent with competing businesses in other jurisdictions with entertainment districts, and City Council wants to provide opportunities for the businesses of Bellevue to compete and be successful; and

NOW, THEREFORE, BE IT ORDERED, that:

The rules for the City of Dayton Rope Walk Entertainment District (RWED) are attached and incorporated by reference.

That 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 7th day of March 2023.

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

MAYOR BENJAMIN BAKER

ATTEST:

ANGIE BEHNE

ACTING CITY CLERK/TREASURER

Comments: City Manager Fossett stated that we passed an ordinance creating the district and now we are creating an ordinance to cover the regulations. City Manager Fossett read the regulations, Member Volter asked to amend so the purchased cup is only valid for a one day use expiring at 12:01 am as of the date of purchase. Business participation is voluntary. Member Kelly ask about additional trash cans, Asst Manager Barks stated we have a grant that will cover up to 14 more trash cans in the district.

Motion by Member Volter, seconded by Member Nyman, to approve Order/Resolution 2023-13R with amendment.

Roll Call:

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

Motion carried-so ordered.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2023-14R**

**A RESOLUTION/ORDER OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, APPOINTING SASJA FENIMORE 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 Sasja Fenimore to the Commission to a term that will expire on December 31, 2027.

That 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 7th day of March 2023.

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

MAYOR BENJAMIN BAKER

ATTEST:

ANGIE BEHNE

ACTING CITY CLERK/TREASURER

Comments: Sasja Fenimore of 1205 Dayton Avenue, introduced herself to the City Council and her background in Real Estate. She is a new resident and felt it was important to get involved in decision making and listening to what the citizens want and what is best for the community.

Motion by Member Nyman, seconded by Member Volter, to approve Order/Resolution 2023-14R as read.

All members say I motion carried.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2023-15R**

**AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, AUTHORIZING THE MAYOR TO NEGOTIATE
WITH AND OFFER EMPLOYMENT TO TRISTIAN KLEIN TO SERVE AS
THE DAYTON CITY CLERK/TREASURER.**

WHEREAS, City Clerk Tiffany Myers resigned as Dayton City Clerk/Treasurer, effective February 14, 2023.

WHEREAS, Mayor Ben Baker, City Administrator Jay Fossett, and Assistant City Administrator Jerrod Barks have interviewed Tristian Klein, an extremely qualified candidate who currently serves as a Kentucky city clerk to replace Ms. Myers.

WHEREAS, Ms. Klein is interested in accepting the position but waiting for her spouse to accept employment in the Northern Kentucky/Greater Cincinnati area, which is expected to be forthcoming.

WHEREAS, Section 31.36 of the City Code of Ordinances requires the Mayor to appoint the City Clerk/Treasurer with approval of City Council.

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

The Mayor is authorized to negotiate with and offer employment to Tristian Klein as the Dayton City Clerk/Treasurer at a salary not to exceed \$70,000.

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

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

MAYOR BENJAMIN BAKER

ATTEST:

ANGIE BEHNE

ACTING CITY CLERK/TREASURER

Department Head Reports:

Code Officer Patterson submitted her monthly report. In addition, Code Board passed 2023 list of delinquent property taxes. Certified letters were sent to property owners that are 3 years delinquent on property taxes. Also, she stated that in her report approximately 25 descriptions were blank, these are property owners that have delinquent Rental License or no license in the past. This should only be in her report once a year. These will be fined as a code violation, hopefully this will prompt them to respond.

Public Works Rick Lucas submitted his monthly report. His department has been patching roads, have used over 3 tons of cold patch. Mr. Lucas and City Manager Fossett meet with Northern Kentucky Water Company concerning numerous water breaks on Chateau and Riverpointe, they are going to repave the road. The new equipment has been used on the river walking trail, it took approximately 2 days. City Manager Fossett was happy with the views now and more people are using the trails now that it is cleared.

Chief Halfhill submitted his monthly report. Officer Kubala will graduate from the Academy on April 6th. Sergeant Wilke is the recipient of the 2022 Governor's award for Impaired Driving, Congratulations. Accreditation has been underway and hopefully will be completed by the end of March. KLEF audit has been completed.

Chief Atkins submitted his monthly report. Bellevue/Dayton Fire Department lost one person to Cincinnati but have offered someone the position that is in paramedic training currently. We have Narcan training this Saturday for citizens. The department received a grant for new battery operated jaws of life, the currently ones are over 20 years old. Business inspections are done yearly, but this year we are focusing on apartment buildings. We are trying to get owners to meet with us to discuss any issues.

City Manager Fossett states we are getting our new light poles for the bump outs, hopefully by April we can start. Mark Stark, part time Dayton resident, died unexpectedly this week in Florida, he was very active in the development of Manhattan Harbor. Our deepest condolences to his friends, family and employees.

Comments: Member Neary ask about the engineer report for the project Dayton Pike sidewalk, SD1 is not going to take ownership of this storm drain. Can we send the property owners a notice stating this isn't an SD1 issue. City Manager Fossett will put together a letter for those property owners.

Audience:

Becky Mays spoke on her concerns for the Entertainment District.

Resident Bret Neuspickle, 701 Ervin Terrace, emailed the council members concerning his home, wants the city to do more to prevent flippers doing unsavory work in the city. Code Officer Patterson spoke about some changes, Campbell County is now requiring that all companies pulling permits must have an Occupational License before receiving their permit.

New business owner Andrew Herbst at 631 6th Avenue spoke about his new business in the city and answered council questions concerning his new Gambling Parlor. The opening date is TBD possibly May or June.

New Business:

Member Nyman as about the bump outs, if we could add tiles with the street names on them. City Manager Fossett stated he would investigate it and see if this could be added.

Member Volter is asking about deliveries, Amazon, Kroger etc. do they have a license to due business in the city.

Executive Session: Mayor Baker entertained a motion to go into Executive Session for KRS 61.810(1)(B), discussions of proposed or pending legislation against or on behalf of the city, and KRS 61.810(1)(F), discussions that might lead to the appointment, discipline, or dismissal of city employee.

Motion by Member Neary, and seconded by Member Nyman, to go into executive session. Motion carried by a 6-0 vote.

Motion by Member Volter and seconded by Member Kelly to return from Executive Session and to authorize the Mayor to negotiate with and offer employment to Tristan Klein to serve as the Dayton City Clerk/Treasurer. Motion carried by a 6-0 vote.

Adjournment:

Mayor Baker adjourned the meeting.

Angie Behne
Acting City Clerk

Attest:

Ben Baker
Mayor

