



CITY OF DAYTON

Regular Council Meeting Minutes

May 16, 2023

Dayton City Council held a Regular Council meeting on Tuesday, May 16, 2023, at 7:00 pm at the Dayton Community Center, 625 Second Avenue.

City Clerk Tristan Klein delivered the roll call. Members present were Mayor Baker, Member Neary, Member Nyman, Member Kelly, Member Lovins, Member Wirick, Member Volter, City Administrator Fossett, and City Attorney Edmondson.

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

Mayor's Report:

Mayor Baker gave an update on the Memorial Day Parade, the work going on in the City Office, and asked for a volunteer from the City Council to represent the City for Armed Forces Day. Member Nyman volunteered.

Minutes:

Motion by Member Kelly to approve the April 2023 City Council Minutes. Motion seconded by Member Nyman. All voted aye. Motion carried.

Caitlin Sparks – Traffic Garden Grant Presentation:

Caitlin Sparks, a Dayton Parks Board member and Tri-State Trails representative, presented to the Council about the Traffic Garden project planned for Gil Lynn Park. Caitlin stated that the ribbon cutting for the Traffic Garden is expected to be in September. Caitlin also informed the Council that the next Pop-Up Bike Shop is scheduled for July 15 from 11:00 AM – 3:00 PM.

Citizens to address the City:

There were no audience comments regarding legislation on the agenda.

Ordinances:

- **First Reading of Ordinance No. 2023#03**– An Ordinance amending Chapter 110 of the City of Dayton, Kentucky, Code of Ordinances, including the schedule occupational license fees businesses owe to the City based on their total gross receipts.



Comments: City Administrator Fossett gave some background on the current Occupational License schedule and explained the items that have been added, expounded upon, or otherwise changed in the ordinance. No questions or comments from City Council.

- **First Reading of Ordinance No. 2023#04** – An Ordinance adding a new section 37.02 and amending section 37.04 of the Dayton Code of Ordinances related to the payment, collection, and enforcement of the City’s ad valorem property taxes.

Comments: City Administrator Fossett explained further the purpose of Ordinance No. 2023#04 regarding new legislation allowing Code Enforcement liens to be placed on property tax bills. No questions or comments from City Council.

- **First Reading of Ordinance No 2023#05** – An Ordinance prohibiting the operation of recycling operations and storage of recycling materials in residentially and commercially zoned areas of the City of Dayton.

Comments: City Administrator Fossett further explained that current zoning does not allow the operation of recycling operations in residential or commercial areas but that the fine is civil. Ordinance 2023#05 makes recycling operations and storage of recycling materials in residential or commercial zones a Class A Misdemeanor. No questions or comments from City Council.

- **First Reading of Ordinance No 2023#06** – An Ordinance adding a new section 72.15, titled “Vehicles Carrying Recycling Materials,” to the Dayton Code of Ordinances.

Comments: City Administrator Fossett explained that Ordinance 2023#06 clarifies that vehicles carrying recycling materials may only be parked on a city street for eight consecutive hours. No questions or comments from City Council.

- **First Reading of Ordinance No 2023#07** – An Ordinance adopting the City of Dayton, Kentucky’s annual budget for the fiscal year running from July 1, 2023, through June 30, 2024, and estimating revenues and resources and appropriating funds for the City to the full extent authorized by KRS 82.082 and interpretative case law.

Comments: Assistant City Administrator Jerrod Barks presented the 2023-2024 budget to the City Council. Member Neary asked for clarification on how TIF assessments impact the formulation of tax rates. City Administrator Fossett explained that TIF assessments are not included in the assessment totals used to set the property tax rates because those properties are considered “tax-exempt” while the TIF is effective.

- **First Reading of Ordinance No 2023#08** – An Ordinance amending section 380.08(C)(1) of the Dayton Code of Ordinances related to appeals of Code Enforcement citations.

Comments: City Administrator Fossett stated that Ordinance 2023#08 updates sections 380.08(C)(1) of the Dayton Code of Ordinances to match the State of Kentucky’s regulations regarding the appeal window for Code Enforcement citations. No questions or comments from City Council.

- **First Reading of Ordinance No 2023#09** – An Ordinance amending the City of Dayton, Kentucky’s annual budget for the fiscal year running from July 1, 2022, through June 30, 2023, and estimating revenues and resources and appropriating funds for the City to the full extent authorized by KRS 82.082 and interpretative case law.

Comments: Assistant City Administrator Jerrod Barks explained that as the 2023 Fiscal Year ends, the budget needed to be amended with an additional \$20,000 in general government and public works to ensure that funds did not cross over at the end of the fiscal year. Assistant Administrator Barks further explained that TIF payments had been slightly higher than anticipated due to property value increases, so a budget adjustment had to be made. No questions or comments from City Council.

Orders/Resolutions:

- **Order Resolution 16R** - Municipal Road Aid Agreement – An Order/Resolution authorizing the mayor to enter into a municipal aid co-op program contract between the City of Dayton, Kentucky, and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid, for the fiscal year beginning July 1, 2023, as provided for in the Kentucky Revised Statutes, and accepting all streets referred to therein as being streets that are a part of the Incorporated City.

Comments: City Administrator Fossett explained that this contract is required to be signed by the City every year to receive Municipal Road Aid funds, and that in FY24 the City of Dayton will be receiving \$118,000 in these funds.

Motion was made by Member Neary to adopt Order Resolution 16R. Motion seconded by Member Volter. All voted aye.

Motion carried-so ordered.

- **Order/Resolution 17R** - Municipal Road Aid Resolution – Road Designation – An Order-Resolution identifying all roads in the City of Dayton maintained by the City as part of its road system for purposes of Municipal Road-Aid funding.

Comments: City Administrator Fossett explained that the list had been reviewed and revised to reflect three additional roads shared by Bellevue and Fort Thomas that were not originally included. Member Neary asked if Sixth Avenue was included. City Administrator Fossett responded that it was included.

Motion was made by Member Nyman to adopt Order Resolution 17R. Motion seconded by Member Neary. All voted aye.

Motion carried-so ordered.

- **Order Resolution 18R** – Amending the Dayton Business Assistance Program Policies and Regulations, adding a new Commercial Conversion Grant section to the Dayton Business Assistance Program (“DBA”) policies and regulations to reflect changes needed to achieve the City’s strategic goals.

Comments: City Administrator Fossett explained that Order Resolution 18R updates the number of years that businesses can participate in the rental assistance program and further prioritizes converting buildings previously utilized for commercial space but currently being used as residential space



converting back to commercial space. Member Nyman asked how these spaces were converted to residential spaces. City Administrator explained that these changes happened before implementing zoning codes.

Motion was made by Member Volter to adopt Order Resolution 18R. Motion seconded by Member Nyman. All voted aye.

Motion carried-so ordered.

Department Head Reports:

Fire Department: Chief Adkins delivered the monthly report for the Fire Department. Chief Adkins highlighted the Fire Department’s work with the accident simulation during project prom and the community CPR class.

Police Department: Lieutenant Baldwin submitted the Police Department monthly report in Chief Halfhill’s absence. Lieutenant Baldwin informed the Council that Sergeant Linkugel would be graduating from a three-week APS course at the Academy in Richmond on Friday. Lieutenant Baldwin further informed the Council that the Police Department had received notification that the department is fully accredited following the lengthy accreditation process that had been ongoing since November 2022.

Code Enforcement: Code Officer Patterson submitted her monthly report. Code Officer Patterson informed the City Council that two additional vacant properties had been sold at auction, and the Rental License Inspector position had been filled. City Administrator Fossett added that there was a Code Board hearing the previous night, which resulted in an individual being found liable for all twelve properties on which he had failed to pay fees for years. Member Neary asked Code Officer Patterson if citizen reports were still received through the online portal. Code Officer Patterson stated that citizen reports come in regularly through the online portal and by phone.

Public Works was absent.

City Management: City Administrator Fossett reported that the City of Dayton had hired a new license inspector who would start work next week, construction on the Berry Street connector was set to begin soon, and KYTC was going to repave KY Route 8 all the way through Dayton into Newport.

Audience:

Barb Blankenship addressed the Council on behalf of her mother, Janice Hutcheson, who resides at 332 10th Avenue. She voiced concerns about an ongoing construction project behind her mother’s house and asked if the City would consider converting the paper alley behind her mother’s residence to a functioning alley. City Manager Fossett stated that the concerns about the construction project would be better directed to the contractor and provided Ms. Blankenship with the contractor’s information. City Manager Fossett also stated that the City had no plans at this time to convert the alley to a functioning alley due to the associated cost.

Susan Beresford, the owner of Farm to Hangover, addressed the Council about her hopes to create a local market for Dayton residents where people with excess from their gardens could set up and sell their excess. She stated that she hopes this project will start in August and that she has the yard next to Tuba in mind for the event. She asked for the support of the City and Council and that the Council help by spreading the word about the event.

New Business: none

Adjournment:

Motion was made by Member Volter to adjourn the meeting at 8:59 PM. Motion seconded by Member Kelly. Meeting adjourned.

Ben Baker

Mayor

Attest:

Tristan Klein

City Clerk/ Treasurer