



# CITY OF DAYTON

Regular Council Meeting Minutes  
August 13, 2024

Dayton City Council held a Regular Council meeting on Tuesday, August 13, 2024, at 7:02 p.m. at the Dayton Community Center, 625 Second Avenue.

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

Member Neary presided over the meeting in Mayor Baker’s absence, pursuant to KRS 83A.130 Subsection 32.20(A).

Member Neary opened the meeting with a moment of silence and the pledge of allegiance.

**Mayor’s Report:** n/a

**Minutes:**

A motion was made by Member Nyman to approve the July 9, 2024, City Council Minutes. Motion seconded by Member Wirick. All members voted aye. Motion carried.

**Citizens to address the City regarding items on the agenda:**

There were no audience comments regarding legislation on the agenda.

**Ordinances:**

**Second Reading: Ordinance 2024-9:** An Ordinance of the City Council of the City of Dayton, Kentucky, vacating a portion of Kenton Street right of way pursuant to KRS 82.405.

Motion was made by Member Volter to approve Ordinance 2024-9. Motion seconded by Member Kelly.

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

Motion carried. So ordered.

**Second Reading: Ordinance 2024-10:** An Ordinance amending Sections 92.10, 92.11, 92.12, 92.13, 92.14, and 92.15 of Title IX, General Regulations, of the City of Dayton Code of Ordinances prohibiting excessive noise, including criminal penalties and other enforcement provisions for the failure to comply with the ordinance.

Motion was made by Member Volter to approve Ordinance 2024-10. Motion seconded by Member Nyman.

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

Motion carried. So ordered.

- **Second Reading: Ordinance 2024-11:** An Ordinance amending Chapter 91 of the City of Dayton Code of Ordinances regarding the removal of animal excrement in the City, including civil fines for the failure to comply with the ordinance.

Motion was made by Member Kelly to approve Ordinance 2024-11. Motion seconded by Member Wirick.

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

Motion carried. So ordered.

- **Second Reading: Ordinance 2024-12:** An Ordinance amending Chapter 31 of the Dayton Code of Ordinances to update information about non-elected officials and city employees.

Motion was made by Member Nyman to approve Ordinance 2024-12. Motion seconded by Member Volter.

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

Motion carried. So ordered.

- **Second Reading: Ordinance 2024-13:** An Ordinance repealing and replacing Ordinance 2022-#19 setting forth compensation and number of authorized positions for employees under the Dayton classification system.

Motion was made by Member Kelly to approve Ordinance 2024-13. Motion seconded by Member Volter.

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

Motion carried. So ordered.

- **Second Reading: Ordinance 2024-14:** An Ordinance amending 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 interpretive case law.

Motion was made by Member Kelly to approve Ordinance 2024-14. Motion seconded by Member Nyman.

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

Motion carried. So ordered.

- **First Reading: Ordinance 2024-15:** An Ordinance providing for the imposition, levy, collection, and apportionment of taxes for the City of Dayton, Campbell County, Kentucky, for the Fiscal Year July 1, 2024, through June 30, 2025.

**Orders/Resolutions:**

- **Order Resolution 2024-15R:** An Order/Resolution authorizing the City Administrator of the City of Dayton, Kentucky to execute and deliver an application to the City of Dayton, Kentucky Planning Commission to facilitate site plan review of the Highpoint Townhome Development, subject to (I) the City’s receipt of all outstanding payments in lieu of taxes together with penalties thereon from Manhattan Development Co., LLC and affiliates, and (II) the execution and delivery by SSWM Development, LLC of a Declaration of Easements encumbering certain city-owned real property upon which the Highpoint Townhome Development is proposed to be located for the purpose of advancing the City’s Riverfront Commons Trail Project through the development of a trail access path; authorizing the Mayor to execute and deliver of such other instruments and agreements as may be required to facilitate the installation, construction, and equipping of the real property with the trail access path.

Motion was made by Member Volter to approve the reading of Order Resolution 2024-15R. Motion seconded by Member Wirick.

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

Motion carried – so ordered.

- **Order Resolution 2024-16R:** An Order/Resolution establishing a City cost-share program for residential property owners to repair or replace existing sidewalks, curbs, and driveway aprons abutting their property.

Motion was made by Member Nyman to approve the reading of Order Resolution 2024-16R. Motion seconded by Member Kelly.

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

Motion carried- so ordered.

- **Order Resolution 2024-17R:** An Order/Resolution establishing a city cost-share program for installation of off-street parking on residential properties in the city.

Motion was made by Member Nyman to approve the reading of Order Resolution 2024-17R. Motion seconded by Member Wirick.

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

Motion carried- so ordered.

- **Order Resolution 2024-18R:** An Order authorizing the Mayor to enter into an interlocal agreement with the City of Bellevue to allow visitors with alcoholic beverages in approved entertainment district cups in these districts in Cities of Bellevue and Dayton to freely enter and depart each respective district.

Motion was made by Member Volter to approve the reading of Order Resolution 2024-18R. Motion seconded by Member Kelly.

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

Motion carried- so ordered.

- **Order Resolution 2024-19R:** An Order/Resolution of the City Council of the City of Dayton, Kentucky, authorizing the mayor to execute and deliver an acknowledgement and consent to mortgage, security agreement and assignment agreement to facilitate the extension of a commercial loan from Metropolitan Capital Bank & Trust to Manhattan Development Co., LLC: and further authorizing such other actions as may be required in furtherance of the foregoing.

Motion was made by Member Nyman to approve the reading of Order Resolution 2024-19R. Motion seconded by Member Volter.

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

Motion carried- so ordered.

- **Order Resolution 2024-20R:** An Order/Resolution declaring City-owned real property at 705 Vine Street as surplus property and authorizing the Mayor to sell or otherwise dispose of this property as permitted under Kentucky law.

Motion was made by Member Nyman to approve the reading of Order Resolution 2024-20R. Motion seconded by Member Kelly.

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

Motion carried- so ordered.

- **Order Resolution 2024-21R:** An Order/Resolution of the City Council of the City of Dayton, Kentucky, approving the sale of 705 Vine Street, Dayton, Ky. to AHC Holdings, LLC.

Motion was made by Member Volter to approve the reading of Order Resolution 2024-21R. Motion seconded by Member Wirick.

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

Motion carried- so ordered.

- **Order Resolution 2024-22R:** An Order/Resolution authorizing the City Administrator to purchase properties in foreclosure sales conducted by the Campbell County Master Commissioner for which the City is owed taxes, fines, or other expenses and establishing guidelines for purchasing such properties.

Motion was made by Member Nyman to approve the reading of Order Resolution 2024-22R. Motion seconded by Member Wirick.

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

Motion carried- so ordered.

**Code Enforcement:** Cassie Patterson delivered the monthly report for Code Enforcement, including a brief update on rental licensing, rental inspections, and future plans for the rental inspector, Bill Burns, now that the rental inspections are nearly caught up.

**Fire Department:** Fire Chief, Chris Adkins, delivered the monthly report for the fire department, including that they hired a new firefighter but also lost another firefighter, leaving them short two firefighters. He also gave a brief overview of upcoming events in the area the department is preparing for.

**Police Department:** Police Chief David Halfhill delivered the monthly report for the police department, including that a new officer has been hired and preparations for school traffic starting up.

**Public Works:** Public Works Director, Rick Lucas, was absent.

**Assistant City Administrator:** Assistant City Administrator Jerrod Barks delivered his monthly report, including an update on grants, the updating Augtoberfest Final Friday and pub crawl, an update from city boards, and information about a new commemorative bench program the City is working on.

**City Administrator's Report:** City Administrator Jay Fossett delivered his monthly report, including an update on the installation of the wayfinding signage installed by Southbank Partners, an update on the electronic kiosk that will be installed on Berry Street as early as Friday August 16<sup>th</sup>, an update from the Museum renovation and reopening.

**Audience Comments:**

David Kobza, a resident from 256 Manhattan Blvd, addressed the City Council regarding issues he's having with his apartment complex.

Jerry Huntley a resident of 585 Manhattan Blvd, addressed the City Council regarding a newly formed HOA, requesting additional trash receptacles on the walking trail, and requested an update on the continuation of the walking trail system.

**New Business:**

Member Nyman asked for an update on traffic issues on Ervin Terrace and 10<sup>th</sup> Avenue.

Member Wirick conveyed complaints from citizens regarding dust from construction work being done in Dayton.

Member Neary addressed City Council about a proposed re-route of Route 8.

A voice order resolution was proposed directing the City Administrator Jay Fossett to request that the Kentucky Department of Transportation re-route Route 8 in an expedient manner due to safety concerns with the change in traffic pattern due to the construction at and near the schools.

All members present vocalized their support.

**Executive Session - Pursuant to KRS 61.810(1)(c):** Discussions of proposed or pending litigation against or on behalf of the public agency.

A motion was made by Member Volter to enter Executive Session. Motion seconded by Kelly.

All voted aye.

A motion was made by Member Nyman to exit Executive Session. Motion seconded by Member Volter

All voted aye.

No action was taken in Executive Session.

**Adjournment:**

Motion was made by Member Volter to adjourn at 8:41 pm. Motion seconded by Member Kelly. All Members voted aye.

Meeting adjourned at 8:41pm.

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Ben Baker

Mayor

Attest:

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Tristan Klein

City Clerk/ Treasurer