

CITY OF DAYTON, KENTUCKY
SPECIAL COUNCIL MEETING
SEPTEMBER 8, 2009

Dayton City Council held a special meeting on Tuesday, September 8, 2009, 6:00 p.m. in the council chamber of the Dayton City Building. All members and the media were notified in advance. The meeting was held for the reading of resolution 2009-13R and the second reading of ordinance 2009#11. Mayor Rankle opened the meeting with a roll call.

ROLL CALL:

Mayor Rankle	present	Member Gunning	absent
Member Ashford	present	Member Allen	present
Member Brooks	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	absent
Member Boruske	present		

RESOLUTION NO. 2009-13R

A RESOLUTION REQUESTING THAT THE NORTHERN KENTUCKY PORT AUTHORITY ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF THE ARMY AND AUTHORIZING SOUTHBANK PARTNERS, INC. TO ACT ON BEHALF OF THE NORTHERN KENTUCKY PORT AUTHORITY AS ADMINISTRATOR THEREOF.

WHEREAS, the City Council of the City of Dayton, Kentucky (the "City") is a participant in Southbank Partners, Inc. ("Southbank") along with the Cities of Bellevue, Covington, Fort Thomas, Ludlow and Newport (the "Southbank Cities"); and

WHEREAS, an area generally along the south shore of the Ohio River beginning at the eastern boundary of the City of Bellevue and continuing west to the Clay Wade Bailey Bridge has been designated as a US Army Corps of Engineers project (the "Project"), which Project has been the subject of a Northern Kentucky Riverfront Commons Reconnaissance Study that was published in March of 2007 (the "Reconnaissance Study"), for which Southbank served as Project sponsor and administrator; and

WHEREAS, as a result of the conclusions set forth in the Reconnaissance Study, the Project is qualified to move forward to the next phase, such phase being a Northern Kentucky Riverfront Commons Feasibility Study (the "Feasibility Study"); and

WHEREAS, Southbank has recommended that the Feasibility Study area be expanded to include the area of all the Southbank Cities that is located generally along the south shore of the Ohio River; and

WHEREAS, the Feasibility Study will advance the public purposes of the City and will promote economic development within the City and the Northern Kentucky region, benefiting the residents of the City; and

WHEREAS, the Feasibility Study must be performed under an Agreement (the "Agreement") between The Department of the Army (the "Army") and a governmental unit and the Northern Kentucky Port Authority (the "Port Authority") is a governmental unit having the entire Feasibility Study area within its jurisdiction; and

WHEREAS, the City recognizes that certain costs related to the Feasibility Study must be undertaken by the Port Authority under the terms of the Agreement and, in order for the Port Authority to enter into the Agreement for the benefit of the Southbank Cities, the Port Authority has requested that the Cities provide assurance that they will actively participate in the Feasibility Study by providing staff support, relevant information and documents available in City records and other in-kind support so that the contribution obligations under the Agreement can be satisfied; and

WHEREAS, the City desires that the Agreement be administered on behalf of the Port Authority and the Southbank Cities by Southbank.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF DAYTON,
CAMPBELL COUNTY, KENTUCKY:**

Section 1. Preambles. That the preambles of this Resolution be incorporated as an integral part of this Resolution, to the same extent as if repeated herein verbatim, it being declared that the statements of fact set forth in such preambles are true and accurate in all respects.

Section 2. Request that Port Authority enter into the Agreement. That the City, hereby requests that the Port Authority enter into the Agreement, substantially in the form attached hereto as Appendix A, with the Army.

Section 3. Participation in Feasibility Study Related Activities. That in recognition of the costs related to the Feasibility Study that must be undertaken by the Port Authority under the terms of the Agreement, the City will actively participate in the Feasibility Study by providing staff support, relevant information and documents available in City records and other in-kind support in a manner that will satisfy the contribution requirements under the Agreement.

Section 4. Southbank to act as Administrator. That the City requests and acknowledges that Southbank will act as administrator of the Feasibility Study and the Agreement for the Port Authority and the Southbank Cities. As administrator, Southbank will coordinate efforts between the Port Authority as party to the Agreement and the Southbank Cities, and shall serve as the counterpart to the Army's Project Manager under the Agreement.

Section 5. Severability. That if any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Inconsistent Actions. That all prior resolutions, municipal orders or parts thereof inconsistent herewith are hereby repealed.

Section 7. Open Meetings Laws. That all meetings of the City Council and of its committees and any other public bodies, at which the formal actions in connection with the authorization of the Agreement were taken, or at which deliberations that resulted in such formal actions were held, were open meetings, and such formal actions were taken and any such deliberations took place while such meetings, after proper notice, were open to the public, in compliance with all legal requirements including KRS Sections 61.810, 61.815, 61.820 and 61.825.

Section 8. Effective Date. That this Resolution shall take effect from and after its adoption, as provided by law.

DULY ADOPTED on September 8, 2009.

CITY OF DAYTON, KENTUCKY

By: Mayor

The Port Authority will apply for a \$97,000 grant, this is a matching grant. The \$97,000 will be used to study the Northern Kentucky Riverfront. The Port Authority is a government agency the Department of the Army will recognize. They will use our studies for in-kind service. Mayor Rankle would also like to help with the traffic study. City Adm. Redmond met with the Corp of Engineers and any thing that happened before the grant cannot be used.

Once the initial study is done the Port Authority will be eligible to apply for more funding.

The city must be satisfied before we move forward. We should adopt 2009#13R contingent upon the local funding and Dayton passes this resolution using in-kind services only.

Motion by Member Brooks, seconded by Member Ashford to approve 2009#13 contingent upon the local funding and Dayton passes this resolution using in-kind services only.

ROLL CALL:

Member Brooks	aye	Member Gunning	absent
Member Volter	aye	Member Allen	aye
Member Boruske	aye	Member Ashford	aye

Motion carried—so ordered.

Second Reading 2009#11

CITY OF DAYTON, KENTUCKY

2009- # 11

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, 2009 THROUGH JUNE 30, 2010.

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

SECTION ONE: There shall be imposed, levied and collected for the Fiscal Year July 1, 2009 through June 30, 2010, by the City of Dayton, Kentucky, the sum of .4330 under the General Chapter of said City, as amended, and also an Act concerning the assessment and valuation for taxation of the corporate franchise and intangible properties, as amended, on each \$100.00 valuation of real and mixed property; .5009 on all automobile and watercraft personal property and .7500 on all other personal property, choses in action, evidence of debt, and corporate franchises within said City as certified by the Property Valuation Administrator to Council, as assessed and returned for taxation to said City by the State Railroad Commission, the State Board of Valuation and Assessments and the Revenue Cabinet and certified by the State Auditor to the Council; if for any reason property has not been listed for taxation, then by the Mayor and Council; further, upon such property within the corporate limits of said City subject to taxation, except the deposits of Banks and Trust Companies, hereinafter mentioned.

SECTION TWO: Said levy and assessment of .4330 on real and mixed property; .5009 on all automobile and watercraft personal property and .7500 on all other personal property on each \$100.00 valuation as set out above, shall be imposed, collected, levied and apportioned to and for the following purposes, and in the following proportions:

Real Property:

For the current general and incidental expenses of said City the sum of .3830

For the acquisition and maintenance of parks within the City, the sum of .0500.

Personal Property:

For the current general and incidental expenses of said City the sum of .7500

For the acquisition and maintenance of parks within the City, the sum of .0000

Automobiles and Watercraft:

For the current general and incidental expenses of said City the sum of .5009;

SECTION THREE: There shall be imposed and collected for said City, as permitted under KRS 136 on the taxable fair cash value of bank deposits within the city as assessed, corrected, altered, certified and returned by the Revenue Cabinet or as assessed by the Mayor and Council, if for any reason said deposits have not been listed in any manner for taxation, sum equal to twenty-five thousandths of one percent (.025%) of those deposits. The levy called for in this Section shall be imposed, levied, collected and apportioned for payment of incidental expenses of the City. Those banks upon which the above tax is imposed may pay the sum due less 2% if paid by December 31, 2009 or the full amount by January 31, 2010. Thereafter the penalty and interest shall be imposed.

SECTION FOUR: All revenues received are hereby apportioned as in the preceding Sections and set apart and shall be apportioned and set apart exclusively for the several purposes therein mentioned. Any transfer of such funds are hereby prohibited.

SECTION FIVE: The City Clerk/Treasurer shall make out the tax bills in accordance with the altered, corrected and returned assessment list in books provided for that purpose and said City Clerk/Treasurer shall show in the books of the City the total amount of taxes collectable for the year. Further, the City Clerk/Treasurer shall publish all notices of taxes due as required by law, if any, according to the requirements of KRS Chapter 424.

SECTION SIX: The taxes hereby levied shall be due and payable on and after September 16, 2009 at the office of the City Clerk/Treasurer and shall be delinquent after November 6, 2009, or as otherwise provided by Council by order, and the City Clerk/Treasurer shall thereafter proceed to attach to each bill a penalty of 10%. The City Clerk/Treasurer shall proceed to collect the delinquent taxes as provided by law until such time as the Council shall instruct the City Clerk/Treasurer to refer all delinquent bills to the City Attorney for collection by taking legal action, if necessary. Interest at the rate of 12% per annum shall be charged on the account of such tax from November 6, 2009, or as otherwise provided by Council by order, to the date of payment.

SECTION SEVEN: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Kentucky assembled in regular session.

First Reading: September 1, 2009

Second Reading: September 8, 2009

CITY OF DAYTON, KENTUCKY

by _____

Kenneth E. Rankle

its Mayor

ATTEST:

Donna Leger, its Clerk

Motion by Member Boruske, seconded by Member Ashford to approve 2009#11. Comments: The compensating rate will bring in the same amount of tax dollars as last year, plus additional money for new growth. City Adm. Redmond said we are not raising taxes.

ROLL CALL:

Member Volter	aye	Member Allen	nay
Member Boruske	aye	Member Ashford	aye
Member Gunning	absent	Member Brooks	aye

Motion carried—so ordered.

City Adm. Redmond made an announcement as a matter of record: On or before the 24th of this month we will no longer be attached to the property know as Speers Court. A New York Investment firm is buying the debt.

Motion by Member Boruske, seconded by Member Allen to adjourn. Motion carried – so ordered.

Respectfully submitted,

Donna Leger

Clerk/Treas.

ATTEST:

Kenneth E. Rankle

Mayor