

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
DECEMBER 4, 2007

A regular meeting of Dayton City Council was held on Tuesday, December 4, 2007, 7:00 p.m. in the council chamber of the Dayton City Building.

ROLL CALL:

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

MAYOR'S REPORT:

Mayor Rankle asked Cheyenne Lambert, a Sixth Grader at Lincoln Elementary School, if she would like to lead the Pledge of Allegiance. Cheyenne was honored for scoring distinguished on all 5 –subject core areas on the KCCT Test. Mayor Rankle said her parents should be proud.

Several members of the Dayton East Baptist Church were in the audience. Mr. Roland Richter read the following letter:

As you are aware, the East Dayton Baptist Church, located at 1123 Third Avenue in Dayton would like to expand our building, per the attached plan, to add classroom space for Bible classes.

The City Zoning ordinance prohibited the expansion. We would therefore request your consideration in a text amendment making possible an expansion for a non-profit and or religious organization, an exemption allowing the organization to follow setbacks that were in effect prior to rezoning.

It is our understanding that City Council would consider recommending to the Planning Commission an exception allowing a non-profit and or religious organization an opportunity to expand current dimensions if our Church is willing to agree to exclude the value of that addition itself in determining the value of the property for sale purposes, if and when at some point in the future the City and the Church might enter into negotiations for the City to purchase the property at 1123 Third Avenue from the Church. East Baptist Church is willing to make that agreement on those conditions.

Signed:

Lincoln Grubb
Roland Richter
Chris Searcy
Tim House

Since the request was just received Member Boruske asked that the matter be table until further review. Mayor Rankle asked for discussion. This serves the community and hopefully Planning & Zoning would go along with a recommendation from council. If the city needs to purchase the land in the future and the church wants to sell, the new expansion would have no value for the selling price to the city only the existing structure. If the property is sold to someone other than the city they can ask whatever price they want. City Att. Fischer suggested a conditional use in that zone rather than an exemption. City Adm. Redmond said its better to say conditional use than exemption, this protects the city but it will also protect the church. City Att. Fischer said if the request is granted now and later they want to change they may not get what they want, if it's changed to a condition use this protects both sides. Member Boruske asked if this was only for churches? City Att. Fischer said yes, limited to existing churches in that zone. Motion by Member Ashford, seconded by Member Hurtt to recommend a condition use to Planning & Zoning. Motion carried—so ordered. City Att. Fischer said this would go before Planning & Zoning, and then back to council for two reading and then to the Board of Adjustment.

Ms. Bonnie Sizemore, Principal of Lincoln Elementary School arrived. Mayor Rankle took a 5-minute break so Ms. Sizemore could take pictures of Cheyenne Lambert and the council members.

Donna Leger, Clerk/Treas, read the following letter from John & Rose Heck, 1630 Dayton, Avenue, Dayton, KY:

Dear Mayor Rankle and City Council:

We would like to request the deeding over and transferring of lot "C" that runs behind our property in the Chateau Ridge Subdivision to us.

In discussion with Mr. Dennis Redmond, we understand that it must always remain green space, has no monetary value and that we will be responsible for its upkeep.

For the past 26 years we have maintained lot "C" in the exact same state and condition that it was in when the subdivision was developed at our own expense and time.

Any consideration given to our request is deeply appreciated.

Thank You,
John V. and Rose A. Heck
1630 Dayton Ave.
Dayton, KY 41074

City Adm. Redmond suggested that city council allow City Att. Fischer to look at all deed restrictions that may have been put on the property years ago by Urban Renewal and any other items related to this property before a decision is made. Motion by Member Boruske, seconded by Member Allen to turn this request over to City Att. Fischer for review. Comments: Mr. Heck said he has maintained lot "C" since he moved to the Chateau Ridge Subdivision. Even if the council cannot deed him the property he will still keep up the property as long as Public Works continues to pickup what he cuts down. He appreciates the consideration of council. Motion carried—so ordered.

Titus Byer, YMCA Teen Center, said the Teen Center gave 19 Middle School Youth a \$50.00 gift card to J.C. Penny to help with school supplies. They currently have four top instructors teaching table tennis. Trophies will be awarded. The Brownie Scouts and Boys Scouts have been meeting at the center and the Senior Citizens meet on Mondays and Fridays. On Monday the Senior Citizens gave the Teen Center a card with a \$50.00 donation. This summer the Teen Center maybe used as a Senior Service Site. This will include taking the senior's swimming, exercising, etc. Mr. Byer and Member Hurtt have been talking about a program called "Teaching Technology to Seniors". This would be teaching excel, Internet access, e-mail, etc. to people 50 years and up. Enough teens have volunteered to help with the program. Hopefully it will start by February 2008. Mayor Rankle told Mr. Byer that he appreciates his involvement.

Mayor Rankle thanked the Dayton Civic Club for "Light Up Dayton", it was a huge success.

We've received complaint letters about the USS Nightmare, which is docked along our Riverfront. This is a boat they use in Newport at Halloween. Mayor Rankle said let them keep the boat in Newport; they're the ones making the money. Member Volter asked, how do we get rid of the boat? City Att. Fischer said someone needs to talk to the Bernstein's first, if their the owner of the boat. City Adm. Redmond has already written a letter to Mr. Bricking. Member Volter asked if there was such a thing as blight on the river? City Adm. Redmond said no. City Adm. Redmond said the U.S. Coast Guard and Corp. of Engineers are responsible for all vessels on the water right of way. Our codes do not apply to a vessel on the water. Member Ashford said Mr. Bricking is a good citizen; he's doing a good job. I don't think he wants to upset the city. Member Boruske suggested talking with Mr. Bricking. Letters will be sent and we'll set down and talk with Mr. Bricking.

Mayor Rankle reappointed Member Allen to the Ohio-Kentucky-Indiana Regional Council of Governments.

CITY ADMINISTRATOR'S REPORT:
No report.

CONSENT AGENDA:
Motion by Member Allen, seconded by Member Volter to approve the minutes from the Nov. 6, 2007 meeting. Motion carried—so ordered.

ORDINANCE & ORDERS:

CITY OF DAYTON, KENTUCKY

2007 - 23

AN ORDINANCE ADOPTING A NEW SECTION OF THE DAYTON CODE OF ORDINANCES REQUIRING A KEY LOCK BOX SYSTEM FOR CERTAIN STRUCTURES AND PROVIDE FOR ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATION THEROF.

This ordinance adopts a new section of the Dayton Code of Ordinances requiring commercial, industrial, assembly, multifamily and health care facilities to install a key lock box system so that fire department and ambulance personnel can get into locked buildings during emergencies without damaging forced entries.

I, John C. Fischer, an attorney licensed to practice law in the Commonwealth of Kentucky, acting as attorney for the City of Dayton, Kentucky, do hereby certify that this summary was prepared by me at the direction of the Council of the City of Dayton, and that said summary is a true and accurate summary of the contents of the ordinance.

John C. Fischer

Motion by Member Boruske, seconded by Member Allen to approve 2007#23 as read. Comments: How will the people be notified? Chief Lynn will notify the businesses currently here and the new businesses will be notified when they purchase their occupational license.

ROLL CALL:

Member Hurtt	Aye	Member Gunning	Aye
Member Volter	Aye	Member Allen	Aye
Member Boruske	Aye	Member Ashford	Aye

Motion carried—so ordered.

First Reading:

ORDINANCE NO. 2007#24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, REPEALING ORDINANCE NO.2007-#16 AND AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 PRINCIPAL AMOUNT OF CITY OF DAYTON, KENTUCKY TAX INCREMENT AND SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2007 (BELMONT LAKE PROJECT) (THE "BONDS"), ISSUED FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS LOCATED IN THE CITY OF DAYTON, KENTUCKY; AND APPROVING, AUTHORIZING AND ACKNOWLEDGING THE EXECUTION AND DELIVERY OF (1) A TRUST INDENTURE BETWEEN U.S. BANK NATIONAL ASSOCIATION, A NATIONAL BANKING ASSOCIATION, AND CITY OF DAYTON, KENTUCKY; (2) A PLACEMENT AGREEMENT AMONG THE CITY OF DAYTON, KENTUCKY AND RBC CAPITAL MARKETS (THE "PLACEMENT AGENT"); (3) A SERVICE AGREEMENT BETWEEN THE CITY OF DAYTON, KENTUCKY AND BELMONT LAKE, LLC (THE "DEVELOPER") AND (4) ANY AND ALL OTHER RELATED DOCUMENTS NECESSARY THERETO.

WHEREAS, the City of Dayton, Kentucky (the "Issuer"), a political subdivision of the Commonwealth of Kentucky, is authorized and empowered by Kentucky Revised Statutes ("KRS")

Chapters 65.7041, et seq. (the “TIF Act”), and KRS Chapters 91A.200-91A.290 (the “Special Assessments Act”) to issue tax increment and special assessment revenue bonds to defray the costs of certain public improvements as authorized in the respective Acts; and

WHEREAS, the City is authorized by the terms and provisions of the TIF Act to execute a Local Development Area Agreement with the County of Campbell, Kentucky in acknowledgement of benefits to be derived by the City within a local development area by the undertaking of a project and in order to promote economic development and job opportunities in the local development area; and

WHEREAS, the City has established by Ordinance No. 2007-___, adopted on July 17, 2007, a local development area known as the Belmont Lake Tax Increment Finance Local Development Area (the “Local Development Area”) within the City, as more particularly described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the City and Belmont Lake LLC, a Kentucky limited liability company, its successors and assigns (“Developer”), have entered into a development agreement (the “Development Agreement”), setting forth the terms and conditions under which assistance shall be provided to Developer to assist in the development in the Local Development Area a residential development, which costs of construction, acquisition and development is currently estimated to be approximately Twenty Million and no/100 Dollars (\$20,000,000.00) (the “Project”); and

WHEREAS, the City has established by Ordinance No. 2007-___, adopted on July 17, 2007, a special assessment (the “Special Assessments”) on the property more particularly described in Exhibit A hereto, to finance a portion of the costs of certain public infrastructure improvements related to the Project, such special assessment being levied in an amount equal to \$400.00 per parcel on a 69-lot subdivision; and

WHEREAS, the City has established by Ordinance No. 2007-___, adopted on August 6, 2007, authorizing up to One Million Three Hundred Thousand (\$1,300,000) of tax increment and special assessment bonds to finance the Project (the “Original Ordinance”); and

WHEREAS, the City, the City of Dayton Public Properties Corporation and the County of Campbell, Kentucky have executed an Amended and Restated Local Development Area Agreement dated as of _____, 2007 (the “TIF Agreement”); and

WHEREAS, Developer will not undertake the Project (the “Project”) but for the commitment by the City to provide certain economic incentives to Developer;

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

1. REPEAL OF ORIGINAL ORDINANCE. City Council hereby repeals the Original Ordinance in its entirety, to be replaced by the provisions of this Ordinance.

2. AUTHORIZATION OF BONDS.

For the purpose of paying the costs, not otherwise provided, of the Project, the Issuer hereby authorizes and approves the issuance of the City of Dayton, Kentucky Tax Increment and Special Assessment Revenue Bonds, Series 2007 (Belmont Lake Project) (the "Bonds") dated as of the date of delivery of the Bonds, in the maximum aggregate principal amount of up to One Million Three Hundred Thousand Dollars (\$1,300,000) as more fully provided for in the Trust Indenture hereinafter approved. The issuance of the Bonds is necessary for the successful financing of the Project. The Bonds shall mature no later than December 1, 2039 and bear interest from the date of delivery to the purchaser(s) thereof as provided in the Trust Indenture with a maximum rate of interest of 10%. The principal and interest requirements of the Bonds are specified in the Trust Indenture.

3. APPROVAL AND AUTHORIZATION OF EXECUTION OF VARIOUS DOCUMENTS; TRUST INDENTURE; BOND PLACEMENT AGREEMENT; AND SERVICE AGREEMENT.

The following documents in the respective forms attached to this Ordinance are hereby approved, subject to such minor changes, insertions or omissions as may be approved by the Mayor, such approval to be conclusively evidenced by his execution of said documents, in order to effectuate the purposes of this Ordinance; and the Mayor is hereby authorized to execute and acknowledge the same for and on behalf of the Issuer. Said documents are hereby ordered to be filed in the office of the City Clerk, labeled respectively, Exhibits A and B, as identified below, and each of said documents is ordered to be recorded with this Ordinance in the official records of the Issuer.

(a) The Trust Indenture (the "Indenture"), dated as of December 1, 2007, between the Issuer and U.S. Bank National Association, Cincinnati, Ohio (Exhibit A).

(b) The Bond Placement Agreement dated December __, 2007, among the Issuer, the Developer and RBC Capital Markets, Cincinnati, Ohio, as the Placement Agent, providing for the sale of the Bonds at the aggregate price of 100% of par and upon the respective terms and conditions set forth in the Bond Placement Agreement. The approval of said Agreement by the Developer and a separate letter from the Developer to the Issuer evidences the request of the Developer that the Bonds be sold at private sale upon a negotiated basis as authorized by KRS 66.021 (Exhibit B).

(c) The Service Agreement dated December 1, 2007 between the Issuer and the Developer, providing for the payment of certain payments in lieu of taxes ("Service Payments") in the event that revenues received under the Local Development Area Agreement and the Special Assessments are insufficient to pay debt service charges on the Bonds, as well as requiring the provision of a letter of credit by the Developer, for the benefit of the Issuer, in accordance with the terms and conditions of the Service Agreement.

4. DISBURSEMENT OF PROCEEDS OF BONDS.

The Developer and the Trustee are authorized to carry out the procedure specified in the Indenture and the Construction Agency Agreement made between the Developer and the Issuer, dated as of December __, 2007 (the "Agency Agreement") for the supervision of the acquisition and installation of the Project and for the payment from time to time of the costs of such acquisition, construction and installation and related expenses as same progresses.

5. REVENUES OF THE PROJECT.

The revenues and other payments to be received by the Issuer under the terms of Local Development Area Agreement, the Service Agreement and the Special Assessments are determined to be sufficient to pay the principal of and interest on the Bonds as the same become due and payable and all said payments are hereby pledged to secure such payments and revenues, and in addition, for such other purposes as are more fully specified in the Indenture.

6. DESIGNATION OF TRUSTEE.

U.S. Bank National Association, Cincinnati, Ohio, is hereby designated as trustee (the "Trustee") under the Indenture and also as the paying agent and bond registrar for the Bonds.

7. EXECUTION OF BONDS.

The Bonds shall be executed in the manner provided in the Indenture and shall be delivered to the Trustee for proper authentication and delivery by the Trustee to the purchasers thereof with instructions to that effect, as provided in the Indenture.

8. MAYOR AND OTHER OFFICIALS OF ISSUER TO TAKE ANY OTHER NECESSARY ACTION.

Pursuant to the Constitution and laws of the Commonwealth of Kentucky, the Mayor, the City Clerk and all other appropriate officials of the Issuer are hereby authorized and directed to take any and all further action and to execute and deliver all other documents as may be necessary to effect the issuance and delivery of the Bonds.

9. THE BONDS SHALL NOT BE A GENERAL OBLIGATION OF THE CITY BUT A LIMITED OBLIGATION PAYABLE SOLELY FROM THE AMOUNTS PAYABLE UNDER THE LOCAL DEVELOPMENT AREA AGREEMENT, THE SPECIAL ASSESSMENTS AND OTHER REVENUES OF THE PROJECT. NEITHER THE CITY OF DAYTON, THE COMMONWEALTH OF KENTUCKY NOR ANY OTHER POLITICAL SUBDIVISION OF THE COMMONWEALTH SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST ON SUCH BONDS OR OTHER COSTS INCIDENT THERETO EXCEPT FROM THE REVENUES OF THE PROJECT PLEDGED THEREFOR. NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE CITY, THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION OF THE

COMMONWEALTH IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, OR PREMIUM, IF ANY, OR INTEREST ON THE BONDS OR OTHER COSTS INCIDENT THERETO.

10. The Offering Memorandum to be issued with respect to the Bonds is hereby approved and is “deemed final” (except for permitted omissions) as of its date or is a final official statement for purposes of SEC Rule 15c2-12(b)(i), (3) and (4).

11. REIMBURSEMENT.

Pursuant to Treasury Regulation § 1.150-2, the City declares as follows:

(a) The City declares that it reasonably expects that the Capital Expenditures described in Section (b), which were paid no earlier than sixty (60) days prior to the date hereof, or which will be paid prior to the issuance of the Bonds intended to fund such Capital Expenditures, will be reimbursed with the proceeds of Obligations, representing a borrowing by the City in the maximum principal amount, for such reimbursements, of \$1,300,000; and

(b) The Capital Expenditures to be reimbursed are to be used for the Project in the City including, but not necessarily limited to the following: public roadway, sanitary sewer, curbs and gutters, public water main and other public infrastructure improvements.

12. SEVERABILITY CLAUSE.

If any section, paragraph, clause or provision of this Ordinance shall be ruled by any court of competent jurisdiction to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions hereof.

13. CAPTIONS OF CLAUSE.

The captions of this Ordinance are for convenience only and are not to be construed as part of this Ordinance nor as defining or limiting in any way the scope or intent of the provisions hereof.

To the extent any ordinance, resolution or part thereof is in conflict, the provisions of this Ordinance shall prevail.

14. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall take effect from and after its passage and approval..

First Reading
Second Reading:

CITY OF DAYTON, KENTUCKY

Mayor

City Clerk

PASSED AND APPROVED: December __, 2007

CERTIFICATE OF CITY CLERK

I hereby certify that I am the duly qualified and acting City Clerk of the City of Dayton, Kentucky, that the foregoing Ordinance is a true copy of the Ordinance duly passed by the City Council of said City on December __, 2007, and that said Ordinance appears as a matter of public record in the official records of said City.

IN TESTIMONY WHEREOF, witness my signature as City Clerk this ____ day of December, 2007.

City Clerk

2281720.2

Member Boruske asked why the change? City Adm. Redmond said this would extend the term of the bonds by an additional 8 years. Member Ashford asked if any additional money is being borrowed? No. Mr. Spoor said the market has been crazy. The interest rate is up about 1%; this amounts to a lot of money. We're trying to guard against an increase. We want to make sure we can sell the bonds. Mayor Rankle said we need to extend the time because we did not get the special changes we needed. Mayor Rankle said the Judge Executive and County Commissioners did give us what we wanted. We'll need to schedule a second meeting.

First Reading:

ORDINANCE NO. 2007#25

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND REASTATED LOCAL DEVELOPMENT AREA AGREEMENT RELATING TO TAX INCREMENT FINANCING.

WHEREAS, pursuant to the Incremental Financing for Economic Development Act, Kentucky Revised Statutes, Sections 65.7041 et seq., as amended (the "Act"), including, the City of Dayton, Kentucky (the "City") the City adopted Ordinance No. 2007-__ (the "TIF Ordinance") establishing a "Local Development Area" as defined in the Act, and to pledge seventy-five percent (75%) of all ad valorem tax "New Revenues" of the City, as defined in the Act, derived from the Local Development Area for the construction of certain public infrastructure improvements related to the Belmont Lake, LLC subdivision project (the "Public Improvements"); and

WHEREAS, the City entered into a Local Development Area Agreement with City of Dayton, Kentucky Public Properties Corporation (the "Agency") and the County of Campbell, Kentucky (the "County") in order to secure a seventy-five percent (75%) pledge for all ad valorem tax "New Revenues" of the City and the County derived from the Local Development Area to finance the Public Improvements (the "Original Agreement"); and

WHEREAS, the City and the County, in order to provide sufficient financing for the Public Improvements, now desire to make certain modifications to the Original Agreement by means of an Amended and Restated Local Development Area Agreement (the "Amendment");

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

2. Approval of the Amendment. The Amendment in the form on file with the City Council is hereby approved, subject to such changes, insertions or omissions as may be approved by the Mayor, such approval to be conclusively evidenced by his execution of said documents, in order to effectuate the purposes of this Ordinance; and the Mayor and City Clerk are hereby authorized to execute and acknowledge the same for and on behalf of the City. Said document is hereby ordered to be filed in the office of the City Clerk, labeled Exhibit A, and said document is ordered to be recorded with this Ordinance in the official records of the City.

SECTION 2. Description of the Amendment.

(a) Modification of Definitions. The following definitions as set forth in the Local Development Agreement are replaced by the Amendment in their entirety as follows:

"**Activation Date**" means January 1, 2008, which upon the written request of Developer to the Agency and the City may be extended but in no event more than four (4) years from the date of this Agreement.

“**Base Year**” means the Fiscal Year 2007.

“**City New Revenue**” means the amount of City Taxes received by the City after the Activation Date determined by subtracting the City Old Revenue.

“**County New Revenue**” means the amount of County Taxes received by the County after the Activation Date determined by subtracting the County Old Revenue.

“**Infrastructure Improvements**” mean Public Improvements as defined in the Development Agreement made between the City and Developer, dated as of April 4th, 2007.

The terms “**City Growth Factor Revenue**” and “**County Growth Factor Revenue**” are removed in their entirety.

(b) Amendment to Section 4.1 of the Local Development Agreement. Section 4.1 of the Local Development Agreement is replaced by the Amendment in its entirety with the following:

4.1 Term of City Increment and County Increment. The County and the City hereby agree and acknowledge that pursuant to a certain development agreement entered into between the City and the Developer (the “Development Agreement”), the City has agreed to provide certain public financing for Infrastructure Improvements using special pledged revenues, including the City and County Increment pledged hereunder, pursuant to the establishment of the Local Development Area and this Agreement. The City agrees to pay to the Agency, and the Agency does accept from the City, seventy-five percent (75%) of the City Increment for each Year commencing after the Activation Date, and for successive Years continuing automatically thereafter until the earliest of (i) January 1, 2038, or (ii) the principal and interest on the Debt is fully paid.

The County agrees to pay to the Agency, and the Agency does accept from the County, seventy-five percent (75%) of the County Increment for each Year commencing after the Activation Date, and for successive Years continuing automatically thereafter until the earliest of (i) January 1, 2038, or (ii) the principal and interest on the Debt is fully paid.

(c) Amendment to Section 5 of the Local Development Agreement. The first two paragraphs of Section 5 of the Local Development Agreement are replaced by the Amendment in their entirety with the following:

Section 5. Determination of City and County Old Revenue; Anticipated Benefits.

The City and the Agency have determined that the ad valorem taxes payable to the City for Fiscal Year 2007 (i.e., the Base Year) are estimated to be \$_____.00 from the property in the Local Development Area, assuming the current assessed valuation does not change. The City and the Agency hereby agree that the final calculation of Old Revenues shall be made only after the City has received such City Old Revenues in Fiscal Year 2007. This Agreement shall be supplemented by the written consent of the County, the City and the Agency to determine the final amount of City Old Revenues.

The County and the Agency have determined that the ad valorem taxes payable to the County for Fiscal Year 2007 (i.e., the Base Year) are estimated to be \$_____.00 from the property in the Local Development Area, assuming the current assessed valuation does not change. The County and the Agency hereby agree that the final calculation of Old Revenues shall be made only after the County has received such County Old Revenues in Fiscal Year 2007. This Agreement shall be supplemented by the written consent of the County, the City and the Agency to determine the final amount of County Old Revenues.

SECTION 3. That this Council hereby finds and determines that all formal actions of Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were taken in meetings open to the public, in compliance with all legal requirements.

SECTION 4. The Mayor and City Clerk of the City, and other appropriate officers of the City, including the City Attorney, are hereby authorized and directed to execute, acknowledge, and deliver on behalf of the City any and all papers, instruments, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for entering into and effecting this Ordinance and the grant contract releasing any taxes to be released or wage assessments to be released.

SECTION 5. To the extent that any ordinance, resolution, order or part thereof is in conflict with the provisions of this Ordinance, the provisions of this Ordinance shall prevail and be given effect.

SECTION 6. That this Ordinance shall take effect and be in full force when passed and approved according to law.

ADOPTED: December __, 2007

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

AMENDED AND RESTATED LOCAL DEVELOPMENT AGREEMENT

2280243.3

DEPARTMENT HEAD'S REPORT:

Dennis Lynn, Fire Chief, said everyone should have a copy of his report. Member Volter asked about the fire run to Cincinnati in October. Chief Lynn said it was possibly a boat run.

James Werner, Police Chief, said Officer Ben Wiesner received the Governor's Award, on November 28th in Lexington, Kentucky for DUI Enforcement. City Adm. Redmond said there's no question that Officer Wiesner has saved lives.

Bobby Fuller, Supt. Public Works, said council should have a copy of his weekly report. The Bluegrass Paving will be extended until Spring. Chateau Ridge was paved this week and the manholes will be raised in the Spring. Because of grant money Chateau Ridge had to be done before the first of the year. Member Ashford told Bobby Fuller what a great job public works has been doing. Member Ashford has received a lot of verbal compliments. Applications for a public works laborer will be taken until Friday, Dec. 7th.

Mayor Rankle welcomed back Marvin Knobloch, Main Street Manager. Marvin has a new book and has been on a book signing tour in Texas. Marvin will have a book signing this Sunday. Marvin said Main Street is currently selling banners. This is a two-sided banner and will be put up after the first of the year.

STANDING COMMITTEE REPORTS:

Finance (Member Volter):

City Adm. Redmond said the current budget is about 96.5% on all revenue items. The worker's compensation line items are way off in the expense budget. The budget will need to be amended in February. The good news is; we're in good shape. The next finance meeting will be the fourth Tuesday in January.

Public Safety (Member Allen):

No report.

Public Works (Member Ashford):

The public works garage has been cleaned and looks real nice.

Parks & Real Estate (Member Hurtt):

Member Hurtt attended the first meeting of the Northern Kentucky Home Consortium. This is the start of something really nice. This will help move people out of rental and into their own homes. The city may possibly get up to \$49,000 next year.

Personnel, Law & Printing (Member Gunning):

No report.

Economic Development (Member Boruske):

No report.

Bill Burns read in the Campbell County Recorder that a trail would be developed along the river. What about our Riverfront? Mayor Rankle said Southbank has grants available up to the Joshua 1 & 2 project in Bellevue. Mayor Rankle said the city and DCI would construct a trail in Dayton. Mr. Burns read that there is funding for agency water lines. Will the new streets be torn up? Member Ashford said we contacted the utility companies before we decided on which streets to repave. Member Volter asked if it was legal to send the utility companies a letter saying their liable if they tear up one of our new streets? City Att. Fischer will check into this. City Att. Fischer said it's within our authority to make the utility companies repair the street back to the way it was before they started work. Mr. Burns asked about the election sign-up date to run for Mayor or Council. It was discussed a year or two ago that the date may change. Mayor Rankle said he vetoed the last ordinance that changed the date because it was too late in the process. Member Boruske said an August sign-up date makes more sense to him.

Mr. Heck, Dayton Ave., experienced a severe physical procedure due to his condition and he wanted to publicly thank the employees at the Fire Department working with the rescue squad. They showed up quickly and really helped him going to the hospital.

Mike Swango questioned the need of a home fleet in the police department. Why does every officer have a take home vehicle? Is this economic responsibility? It's not like the cruisers are parked in our city. How far from the city are the officers allowed to live? Member Ashford said at the time the home fleet was started the city was going through officers often. Our pay was extremely low and we had problems keeping officers, they were leaving to go to other cities. Other cities were offering home fleet so we decided to do the same. Mr. Swango asked if the pay for the officers is still low? Member Ashford said another reason for home fleet is the officers take better care of the vehicles. This has proven to be true and the cruisers last longer. Mayor Rankle said an officer could live within a 15-mile area. Chief Werner lives further but this was approved. The previous Chief liked to purchase used cruisers. We've saved and saved. Now we can buy new cruisers. I'm proud of the hard work we've done and now we can keep very good Officers. Mr. Swango said with the high cost of fuel the officers should not spend as much time in the cruisers, they need to park and walk the streets. This will help the people who visit feel safe. It will help the officers mix with the people and help with the fuel cost. Mayor Rankle said several times we only have one officer working. We're not always happy about this; other means is our bike patrol. Mr. Swango asked about the status of the cable board? In order to be removed the city must follow a protocol. Did we send a letter? Member Boruske said he's sure the cable board is aware. They took the school channel off. The city has saved \$40,000 per year and the citizens will start getting the council meeting on TV again. Mr. Swango said there was nothing in the Community News about when the council meeting will be televised. Mayor Rankle said yes, it was in the paper. Hopefully they will be televised in December. We'll be talking about litigation in executive session. Mr. Swango said the cable contract would be negotiated again in July 2008. He does not understand why council decided to get out now. Mayor Rankle told Mr. Swango, as a citizen he should voice his opinion to the cable board. Mayor Rankle said everyone is working hard for the city, working hard with the schools and working hard with Insight. We're working hard to make sure everyone knows what is going on. Member Ashford said Newport and Ft. Thomas are not in the cable board because of the cost. City Adm. Redmond said the terms of the agreement are different. In 1994 there were 13 separate bodies. If two or more of the 13 decide to extend the terms of the agreement, they can do so. You don't have to have a majority. This is not a good idea. With just two or more signatures you can extend the contract. It's a no win situation, especially for the people who pay. Mr. Swango asked if we sent a letter in reference to the I-417 corridor? Mayor Rankle said yes, we did a resolution.

UNFINISHED BUSINESS:

Member Volter would like to give a 48 hours notice when no parking signs are posted. Currently the sign is only put up 24 hours before. If a person gets home late they may not see the sign. Twenty-four hours is not a fair warning. Member Ashford said he is not sure utilities companies would do this. City Adm. Redmond said this would be city sponsored only. This is not an unreasonable request. Bobby Fuller, Supt. P.W., said we could give 48 hours but the only problem he sees is the kids pulling the sign down. Bobby Fuller said in reference to last week they did knock on doors and ran license plates to try and find the owners so they could ask them to move the cars. City Adm. Redmond spoke will all four people whose cars were towed. I support Member Voters' suggestion, it's not unreasonable and I recommend that council approve. Motion by Member Volter, seconded by Member Hurtt the city give 48 hours notice when the city puts up no parking signs. Motion carried—so ordered.

NEW BUSINESS:

Council will have a special meeting on Thursday, Dec. 6th at 5:00 p.m. The media will be notified 24 hours in advance.

EXECUTIVE SESSION:

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 © discussions of proposed or pending litigation against or on behalf of the public agency. Motion by Member Boruske, seconded by Member Gunning to go into executive session. Motion carried—so ordered.

Motion by Member Allen, seconded by Member Gunning to go back into regular session. Motion carried—so ordered.

Mayor Rankle recognized Bob Nolan, owner/operator of Queen City Riverboats and River City Marina. Mr. Nolan addressed council by stating that he did not believe the city's developer, DCI, had dealt with him in a non-genuine way and it was his position to notify Mayor and City Council that he would be expecting the city to comply with his lease agreement. Mayor Rankle stated that it was his understanding that DCI and Mr. Nolan had reached an agreement that would take effect in January.

Mayor Rankle said there was still some confusion on whether or not Mr. Nolan actually had a valid lease for Queen City Marina. Mr. Nolan disputed the Mayor's comment but stated that even if he did not have a lease for the Queen City location, the buy out price for O'Fallon Landing (River City Marina) would be the same as already negotiated. Motion by Member Volter, seconded by Member Allen that council agree to send a letter to DCI executives advising them of the dissatisfaction of Mr. Nolan and his businesses. Motion carried—so ordered.

Motion by Member Boruske, seconded by Member Gunning to adjourn. Motion carried—so ordered.

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor