

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
JULY 3, 2007

The regular meeting of Dayton City Council was held on Tuesday, July 3, 2007, 7:00 p.m. in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with a silent prayer and Pledge of Allegiance.

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:

City Att. Fischer said the ordinance Mr. Dean Spoor will present tonight is in regard to the Belmont Development. A portion of the taxes will be to payoff the sanitary sewer lines, water lines, etc. and one ordinance is for a \$400.00 per year charge to homeowners, in the development, until the bonds are paid off. Changes have been made up until the last meeting. Tonight will be the first reading of two ordinances. Tonight we will set the date for the public hearing and second reading. City Att. Fischer will e-mail copies to everyone. Dean Spoor said tonight is the first reading to begin the process for the TIF bonds and special assessment. Mr. Spoor requested that the second reading and public hearing be held on the same day. The next meeting will be held on Tuesday, July 17, 7:00 p.m.

FIRST READING:

ORDINANCE NO. 2007#14

AN ORDINANCE AUTHORIZING THE CREATION OF A LOCAL DEVELOPMENT AREA TO PROVIDE FOR THE FINANCING OF NECESSARY PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATING TO THE BELMONT LAKE, LLC PROJECT AND AUTHORIZING THE EXECUTION OF AGREEMENTS AS MAY BE NECESSARY PURSUANT TO THIS ORDINANCE.

RECITALS:

WHEREAS, House Bill 549 was passed by the Kentucky General Assembly on March 12, 2007 and in Section 29 of that House Bill an emergency was declared to exist that legislation needed to be effective upon approval by the Governor or upon its otherwise becoming a law; and

WHEREAS, House Bill 549 was signed into law by the Governor on March 23, 2007, and immediately became effective as law; and

WHEREAS, pursuant to Incremental Financing for Economic Development Act, Kentucky Revised Statutes, Sections 65.680 to 65.699, as amended, including House Bill 549 (the “Act”), the City of Dayton, Kentucky (the “City”) desires to create a “Local Development Area” as defined in uncodified Section 1 of House Bill 549, encompassing the parcels of real property described in Exhibit A hereto (the “Property”) and to grant a seventy-five percent (75%) ~~exemption~~pledge for all ad valorem tax “New Revenues” of the City, as defined in uncodified Section 1 of House Bill 549, to the owner of the Property, Belmont Lake, LLC, and all future owners (collectively, the “Owner”); and

WHEREAS, the City desires to enter into a “Local Development Area Agreement”, as defined in uncodified Section 1 of House Bill 549, with the County of Campbell, Kentucky in order to secure a seventy-five percent (75%) ~~exemption~~pledge for all ad valorem tax “New Revenues” of the County, as defined in uncodified Section 1 House Bill 549, for the Property;

WHEREAS, the City pursuant to Act held a public hearing after giving proper notice of the City’s intention to consider the creation of the Local Development Area; and
;

WHEREAS, in the Ordinance the City found and declared that the creation of the Local Development Area furthered the public purposes of the Act by supporting the economic development and improvement of the Local Development Area and would result in increased employment opportunities in and around the Local Development Area;

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

Section 1. Incorporation of Preambles. It is hereby determined, declared and ordained that the statements of fact and intent set forth in the foregoing preambles to this Ordinance are true and accurate in all respects and the same, as well as with all defined terms therein, are incorporated in full in this Ordinance by reference and shall be an integral part thereof.

Section 2. Local Development Area. That this Council hereby finds and declares that the City of Dayton, Kentucky Belmont Lake Local Development Area (“Local Development Area”) is hereby created pursuant to the Act and that certain public infrastructure improvements relating to the Local Development Area are a public purpose and are to be made to benefit or serve the development of the Local Development Area. The Local Development Area shall be comprised of the parcels of real property more fully described in Exhibit A hereto, which is incorporated by reference herein. In addition, this Council hereby finds that public infrastructure improvements (the “Public Improvements”) are necessary for the economic development of the Local Development Area. These Public Improvements include, but are not limited to, street construction and improvements; construction and improvement of utilities, including (but not limited to) water, sanitary sewers, gas mains, electric facilities, communication facilities, storm

water sewers and water detention; creation or enhancement of buffer areas, recreation facilities, and open spaces to ensure compatibility with adjacent land uses; and other infrastructure improvements which benefit the Local Development Area.

Section 3. Commencement Date. That pursuant to the Act, the Commencement Date of the Local Development Area is the date of passage of this Ordinance and the Termination Date shall be exactly twenty (20) years subsequent to such date.

Section 4. TIF Fund. That pursuant to the Act, there is hereby established the City of Dayton, Kentucky Tax Increment Financing Fund (or “TIF Fund”), into which any payments in lieu of tax to be made by the Owner shall be deposited. Money in the TIF Fund shall be used to finance the Public Improvements attributable to the Local Development Area.

Section 5. Authority. That pursuant to the Act, the Council hereby appoints Dayton Public Properties Corporation, a Kentucky non profit corporation and agency and instrumentality of the City, as the agent of the City for administration and overview of the Local Development Area (the “Authority”). The Authority shall act on behalf of the City in administering the Local Development Area and to enter into local development area agreements, and other related agreements, with respect to the development of the Local Development Area and the financing of Public Improvements therein.

Section 5. Periodic Accounting. That any entity which receives direct financial assistance from the City with funds on deposit in the TIF Fund, whether in the form of a grant, loan or loan guarantee, shall make periodic accounting to the City in a form and manner to be determined by the City.

Section 6. Public Purposes. The City finds and declares that the creation of the Local Development Area will further the public purposes of the Act by supporting the economic development and improvement of the Local Development Area.

Section 7. Authorization of Local Development Area Agreement. The Mayor and the City Clerk of the City are hereby further authorized and directed to execute, acknowledge and deliver on behalf of the City a Local Development Area Agreement, a form of which is attached hereto and made a part hereof as Exhibit B, between the City, the Authority and the County of Campbell, Kentucky (the “County”) authorizing the release of legally releasable incremental New Revenues of the City and the County, exclusive of school taxes and fire district taxes, in the Local Development Area. The form of Local Development Area Agreement to be signed by the Mayor and the City Clerk shall be in substantially the form attached hereto, with such minor modifications, amendments and supplements as shall be agreed upon by the Mayor.

Section 8. Authorization of Construction Agency Agreement. The Mayor and the City Clerk of the City are hereby further authorized and directed to negotiate on behalf of the City a Construction Agency Agreement, attached hereto and made a part hereof as Exhibit C, between the City and Belmont Lake, LLC (the “Developer”) appointing the Developer as Construction Agent for the Public Improvements. The form of Construction Agency Agreement

to be signed by the Mayor and the City Clerk shall be in substantially the form attached hereto, with such minor modifications, amendments and supplements as shall be agreed upon by the Mayor.

Section 9. Annual Review. At the end of each fiscal year of the City, the City Administrator shall conduct a review of all development activity which has occurred within the Local Development Area for the prior fiscal year. The City Administrator shall prepare a brief written summary of such development activity for the records of the City.

Section 10. Further Acts and Deeds. 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 Local Development Area Agreement releasing any taxes to be released.

Section 11. Prior Conflicting Actions Superseded. 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 12. Effective Date. This Ordinance shall become effective upon its passage and approval.

INTRODUCED, READ IN FULL AND ENACTED by a vote of two-thirds of the membership of the City Council of the City of Dayton, Kentucky, as provided by Section 83A.060 and this Ordinance shall become effective upon passage, provided, however, the publication is required by KRS 83A.060 shall be accomplished within ten (10) days of the date hereof.

Dated: _____

CITY OF DAYTON, KENTUCKY

By: _____
Mayor

Attest:

City Clerk

EXHIBIT A

DESCRIPTION OF THE PROPERTY

EXHIBIT B

LOCAL DEVELOPMENT AREA AGREEMENT

EXHIBIT C

CONSTRUCTION AGENCY AGREEMENT

Document comparison done by Workshare Professional on Wednesday, July 11, 2007
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Total changes	4

FIRST READING:

COUNCIL ORDINANCE 2007-#15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, ADOPTING AN ORDINANCE TO PROCEED WITH THE BELMONT LAKE PUBLIC IMPROVEMENTS BY SPECIAL ASSESSMENTS PURSUANT TO KRS 91A.200 THROUGH 91A.290.

WHEREAS, expansion of available residential living space, and the resulting new residents, are essential to the future of the City of Dayton, Kentucky; and

WHEREAS, the current streetscape, sanitary sewer, storm sewer and water line utilities, and other related improvements, that serve the property described on Exhibit A hereto are insufficient to meet the expected needs of expected new residents of the City of Dayton, Kentucky

WHEREAS, the upgrading of the aforesaid utilities and other public improvements and will allow the development of new residential improvements in the City; and

WHEREAS, the aforesaid upgrades and removals will provide needed public utilities in order to draw new residents into the City of Dayton, Kentucky; and

WHEREAS, the City of Dayton, Kentucky, through its Finance and Administration Department, has caused to be prepared a Comprehensive Report pursuant to the requirements of KRS 91A.240, entitled Comprehensive Report Concerning Streetscape Improvements and the Assessment Process and which is attached hereto as Exhibit A and incorporated herein by reference, and

WHEREAS, on _____, 2007, a Public Hearing was held by the City of Dayton, Kentucky, on the proposed improvement, whereat an opportunity was afforded to all persons interested to be heard, either in person or by counsel; and

WHEREAS, notice of the said Public Hearing was published pursuant to KRS Chapter 424 and mailed to each affected property owner by certified mail, return receipt requested and

said notice contained the information required to be contained in said notice pursuant to KRS 91A.250(1) through (5); and

WHEREAS, the Council have determined to proceed with the improvements contained in the said Comprehensive Report Concerning Public Improvements and the Assessments by special assessments; and

WHEREAS, all of the necessary terms for the improvement are set forth in the said Comprehensive Report Concerning Public Improvements and the Assessment Process; and

WHEREAS, a description of all properties to be specially benefited by the proposed improvement by special assessments are contained in Exhibit B which is attached hereto and incorporated herein by reference:

BE IT ORDAINED BY THE CITY OF DAYTON, KENTUCKY:

SECTION I That the Comprehensive Report Concerning Public Improvements and the Assessment Process is hereby adopted and the City of Dayton, Kentucky through its Council has determined to proceed with the improvements contained in said Comprehensive Report by special assessments.

SECTION II That this Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED: First reading: _____, 2007

PASSED: Second reading: _____, 2007

Mayor

ATTEST: _____
City Clerk

Jim Kersting, DCI, said they've broken ground on the Riverfront and are making progress. They met with an air quality advisor today and will need to hydro seed the entire area on the flood levee that was stripped. Cardinal Engineering is also working with Ginny Garland in reference to air quality and Mr. Kersting will be in Frankfort next Thursday to cover this subject. Dennis Redmond, City Adm., promised to have the application for storm water turned in by Friday no later than Monday. Mr. Kersting said he would take care of the application. We have officially named the project. "Manhattan Harbor" a great waterfront neighborhood in Dayton, Kentucky.

Ken Sherman of Kinzelman, Kline and Gossman gave a slide show presentation of the new Community Center and the O'Fallon Gateway. Besides the Berry Street Gateway, the Sixth and O'Fallon Gateway will be another important part of this development. Your main street will become much more desirable for businesses. The Community Center will be two story elevation, but not necessary a second floor, it will have elevated windows and a basement. The new building will honor the Main Street. There will be enough parking for 26 cars. The developers have talked to officials from the state level about taking down 701 Sixth Avenue. The building has structural conditions. The new building will be 8400 sq. ft. The financing will be discussed before we define a final budget. This will be in place the last week of July. City Adm. Redmond said the city has a grant to purchase 715-717 Sixth Avenue for \$165,000, \$26,000 to demo the building and \$19,000 for off-street parking. This money will be used in the project cost. Mr. Sherman showed drawing of the West Gateway (Sixth & O'Fallon Ave.). This will be a mix of restaurants, a bank, and a new grocery store behind residential buildings, with parking below the store. A dramatic new entrance. Plus, a new road down O'Fallon Avenue. Mayor Rankle said this would be great, really nice. A lot of exciting things are happening in Dayton.

CITY ADMINISTRATOR'S REPORT:

The Riverfront project is not like any project you've seen in Northern Kentucky. This is 120 acres that co mingle. A resident or someone must be mad about the project because they have contacted the Corp of Engineers, Division of Water, Storm Water Retention and we had a visit by Air Quality Control in reference to the Riverfront project.

Last week the city received a letter from cable that the city did not notify them about the June 19th meeting. We notified cable when we had our meeting. It was announced at the meeting that we would have a meeting on June 19th. It seems that someone at cable is not watching his or her own programs. I'm offended that cable would write us such a letter, notification was adequate.

Mr. Riley 638-640 Sixth Avenue has once more approached me about the classification of his property. The city has it listed as 1 commercial and 2 residential. Mr. Riley says the property is 1 commercial and 4 residential. Council agreed to 1 commercial and 4 residential units but the information given was not up front and the Mayor vetoed council's motion. Mr. Riley's attorney has brought to my attention that council has recently approved such a request for Ms. Crank and Mr. Farris and he feels its only fair that Mr. Riley be given the same consideration. If not they will appeal to Campbell County Court. I'm asking you to reconsider the veto of the Mayor. I don't think they understood and I'm making the effort to weed out these problems. We currently have five applications where people want to convert their property to single-family homes, which is what council wants. Council has done a great job. We now need to clarify our records. It's a good possibility the Riley's would win in court. No motion by council.

Metal Solutions, 215 Main Street, is a good solid corporate citizen. The cost of the first building they looked at was \$780,000 and they offered \$750,000, the city agreed to put \$30,000 into the project. Metal Solutions would have 44 jobs and pay ½ the payroll tax for 6 to 10 years on the difference between 44 jobs and 29 jobs. They ended up paying \$775,000 for another building and it cost them \$17,000 for electric work, etc. Council decided to invest the \$30,000 into a parking lot. The parking lot would consist of land owned by the Sanitation District, City, and the Housing Authority. The employees are currently using the lot as is and some are parking on the street. Metal Solutions ask that we amend the \$30,000 for a parking lot and reinvest in the \$17,000 they spend to upgrade the building. City Adm. Redmond said his recommendation is yes, we use Economic Development Funds, draw up an agreement that Metal Solutions will have to pay back the \$17,000 once new taxes have equaled the \$17,000, if not, they have up to pay the \$17,000 back to the city. Motion by Member Ashford, seconded by Member Boruske to use the \$17,000 for upgrades done by Metal Solutions and have Metal Solutions sign a contract. Comments: Member Ashford said they have done a nice job fixing up the building. Member Hurtt asked about a time frame for the \$17,000. City Adm. Redmond said the State incentive gives them from 6-10 years. We should use any year between 6 and 10. Council agreed to leave this decision up to City Adm. Redmond. Motion carried—so ordered.

At Sixth and Ervin Terrace part of the block is one way. I fail to see why ½ of the block is one way. The Avenue Market is gone now. Apparently the thing to do is paint a yellow line from the corner to Boruske's Business and stop all parking on that ½ of the block. I recommend you consider returning this back to a two way street. Member Ashford agreed. Member Boruske said sooner or later there would be an accident; cars go up the one-way street all the time. Motion by Member Ashford to make the street two-way. City Att. Fischer said before we do that what about the stoplights? City Adm. Redmond said this is an offset street. There would be a stop sign on Ervin Terrace. Boruske Brothers plan is to build a new building; Member Boruske said his office would be in the new building with a side door entrance. City Adm. Redmond said all parking on the street should be stopped. You don't need it. Member Volter said most of the parking on this street is residential because they cannot use parking behind their homes because the alley is too bad. City Adm. Redmond said we are addressing the issue of the bad alley. City Adm. Redmond said we need to create efficient two-way traffic on Ervin Terrace. The street is too narrow to allow parking on both sides. Chief Werner said he would have a problem with three-way traffic and one with only a stop sign. I don't know how the state would feel about this. Chief Werner asked if the city would be liable for the change? Member Boruske suggested moving the light down or two stoplights. Member Volter felt visibility would be a problem. Member Boruske said if we don't do something, something is going to happen. He sees cars go up Ervin Terrace all the time; they don't realize it's a one-way street. City Adm. Redmond said there shouldn't be a stoplight to begin with. Mayor Rankle said a lot of traffic comes down Ervin Terrace. Member Volter said she sees speeders even with the light. Member Ashford said he heard a child was hit years ago and that's the reason for the light. City Adm. Redmond said it's unfair to force people into the alleys. The state is conducting evaluations on all the lights. We will ask for an evaluation on the two-way activity. No second on the motion.

ORDINANCES & ORDERS;

CITY OF DAYTON, KENTUCKY

2007- 15 R

AN ORDER AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE PROJECT LISTED BELOW, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THIS PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THE PROJECT.

WHEREAS, the City of Dayton, Kentucky has received the following 2006 Kentucky General Assembly House Bill 380 (budget bill) project to be administered by the Kentucky Governor's Office for Local Development which is known as the Dayton Downtown Revitalization Project;

and, **WHEREAS**, it is recognized that the project listed above imposes certain obligations and responsibilities upon the City,

BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY

SECTION I The Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by GOLD for the furtherance of the above-referenced project and to act as the authorized correspondent for said project.

SECTION TWO: The Mayor and any other necessary official is authorized to sign all documents necessary to effect the above provisions.

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

PASSED by City Council of the City of Dayton, Campbell County, Kentucky upon motion by Member Volter and second by Member Ashford, Motion carried, assembled in regular session this 3 day of July, 2007.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Motion by Member Volter, seconded by Member Ashford to approve 2007-15R as read.

ROLL CALL:

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

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2007- 16 R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SAMFL LLC, A KENTUCKY LIMITED LIABILITY COMPANY, FOR DEVELOPMENT OF CITY OWNED PROPERTY ON SEVENTH STREET.

BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY

SECTION ONE: That City Council of the City of Dayton, Kentucky does find as follows:

That it is in the best interests of the people of the Dayton to enter into this an agreement for development of property owned by the City at 1023 7th and 1216 7th and that such development will promote further economic development and create jobs and residential housing opportunities;

That it is in the best interest of the people of Dayton to develop the property for residential purposes;

That the Property is surplus property, is not necessary for the effective government of the City and is appropriate to dispose of the Property in accordance with KRS 82.083 without competitive bidding or auction;

The City desires to have the property developed in a timely manner by a highly qualified and experienced developer and, therefore, intends to transfer the property to SAMFL, LLC pursuant to KRS 82.083(3)(b);

The City offers to sell the property and SAMFL, LLC has offered to purchase and develop the property;

SECTION TWO: That the City of Dayton is hereby authorized to enter into a Development Agreement with the SAMFL, LLC. for development of 1023 7th and 1216 7th and to sell and convey the same to SAMFLL, LLC. A copy of the agreement is attached hereto and made part hereof by reference.

SECTION THREE: The Mayor, City Clerk and any other necessary official is authorized to sign all documents necessary to effect the above provisions.

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

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this ____ day of _____, 2007.

CITY OF DAYTON, KENTUCKY

by_____

KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made on the days and dates shown below, by and between the City of Dayton, Kentucky, a municipal corporation ("City") and SAMFL, LLC, a Kentucky limited liability company ("Developer").

WHEREAS, City has determined in writing that it is in the best interests of the people of the City to enter into this Agreement to promote economic development and create jobs and residential housing opportunities;

WHEREAS, City desires that the Property (as defined herein) be developed for residential purposes;

WHEREAS, City has determined that the Property is surplus to its municipal needs and it is appropriate to dispose of the Property in accordance with KRS 82.083 without competitive bidding or auction;

WHEREAS, to promote economic development and have the property developed in a timely manner by a highly qualified and experienced developer, City intends to transfer the Property to Developer pursuant to KRS 82.083(3)(b);

WHEREAS, City has offered to sell the "Property" depicted on Exhibit A and Developer has offered to purchase and develop the Property, subject to and in accordance with the terms, covenants and conditions of this Agreement;

Therefore, in consideration of the terms and conditions of this Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows.

I. PURCHASE PRICE: The **City** shall sell to and **Developer** shall purchase the property and shall pay therefore the sum of Twenty Thousand Dollars (\$20,000) cash as the time of closing.

II. DEVELOPMENT: The **Developer** shall develop the said property as ____ residential units within three (3) years from the time of closing

III. OWNERSHIP AND POSSESSION: **City** covenant that **City** are lawfully seized of the Property and have the right to convey the Property, that the Property is, or will be at time of closing, unencumbered and that **City**, thereafter, will warrant and defend generally the title to the Property against all claims and demands. **Developer** shall be entitled to take possession of the Property at the time of closing.

IV. TAXES AND ASSESSMENTS: All taxes and assessments and any other charges, fines, and impositions attributable to the Property shall be prorated as of the date of closing.

V. INSURANCE: **City** shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included with the term "extended coverage" and such other hazards until the date of closing.

VI. INSPECTIONS: **Developer** may make reasonable entries upon and inspections of the Property, provided that **Developer** shall give **City** notice prior to any such inspection;

VII. HEIRS AND ASSIGNS: Covenants and agreements herein contained shall bind and the rights hereunder shall inure to the benefit of the heirs and assigns of **City** and **Developer**.

VIII. LAW, SEVERABILITY: This Agreement shall be governed by the laws of the Commonwealth of Kentucky. If any provision of this Agreement conflicts with applicable law, such conflict shall not affect other provisions of this Agreement which can be given effect without the conflicting provisions. The provisions of the Agreement are declared to be severable.

IX. CONVEYANCE: The **City** hereby agrees and covenants that, in the event that the aforesaid purchase price shall be paid in full and all the conditions and covenants herein provided shall be fully

performed at the times and in the manner above specified, they will convey fee simple title to the Property to **Developer** by general warranty deed containing the usual covenants against encumbrances, subject to conditions, restrictions, and easements contained in instruments of record.

X. CLOSING: Closing shall be held within thirty (30) days. All costs of closing shall be borne by the party who, by law or local custom, normally assumes such burden.

XI. SURVIVAL OF AGREEMENT: All terms of this Agreement shall fully and completely survive the execution of the deed provided herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first above written.

CITY: **DEVELOPERS:**
CITY OF DAYTON, KENTUCKY **SAMFL, LLC**

by: _____
KENNETH E. RANKLE
its Mayor

by: _____

Authorized Member

Motion by Member Hurtt, seconded by Member Ashford to approve 2007-16R as read. Comments: City Adm. Redmond said the selling price is \$20,000. We did advertise the property. We are selling the property to the same company but the names have changed. One lot is \$15,000 and the other is \$5,000. They cannot begin construction until we see the plans. There maybe as many as 9 Town Houses. It will be necessary to change the zoning. If the project is not started within three years the lots must be sold back to the city for the selling price.

ROLL CALL:

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

Motion carried—so ordered.

DEPARTMENT HEAD'S REPORT:

Marvin Knobloch, Main Street Manager, thanked everyone who attended the Main Street Gala. It was a great event. People who make a difference were recognized. September 15th will be Open House for the Main Street. I have contacted the vacant property owners along the Main Street to help them market their buildings. Realtors have also been contacted. Mayor Rankle thanked Marvin for the Main Street Gala. It was very nice event. Dayton Days at Coney Island will be July 27th.

James Werner, Police Chief, said two new police cruisers were received in June 2007. Council has also approved two new cruisers in the 2007/2008 budget year. Instead of purchasing two new cruisers this fiscal year, Chief Werner would like to lease 5 cruisers over a three-year period. When the lease was up it would be a \$1.00 buyout. New cruisers will improve and increase the image of the Police Department. This would not cost any more money if council intends to purchase two new cruisers each year until we have all new cruisers. The cruisers would need to be ordered this month. Member Boruske said it's hard for a council to commit money longer than their term exist. Plus, all the cruisers would go out of service at the same time. I agree to the two you just purchased, two new cruisers this fiscal year and two the next fiscal year. If you get into a bind, we might have to cancel home fleet for a while. Mayor Rankle said the Chief's cruiser is an embarrassment to the city. You can see "Cincinnati" written on the side. Member Ashford said the problem with purchasing all the used cruisers in the past is were paying for it now. City Adm. Redmond said the city has sacrificed so we do not have to borrow. It's a risk to purchase 7 new vehicles. My recommendation is that you do not obligate yourself. City Adm. Redmond agreed that the fleet is bad but we just purchased two new cruiser and two more can be ordered in July. If council wants to delay the decision they have until November.

CORRESPONDENCE:

Thank you to Marvin Knobloch, Main St. Manager, from Dr. Barbara Cook and Mike Lenz. Both are thanking Marvin for the Gala and Award. Mayor Rankle asked Marvin to tell everyone who was

honored at the Gala. The Pride of Dayton was awarded to Charlie Tharp, Most Supportive was awarded to Mike Lenz and the Business of the Year was awarded to Dr. Barbara Cook.

STANDING COMMITTEE REPORTS:

Finance (Member Volter):

No report

Public Safety (Member Allen):

No report.

Public Works (Member Ashford):

No report.

Parks & Real Estate (Member Hurtt):

Music Fest will be held on August 3 and 4th. There will be 5 bands each night with a \$5.00 admission. Money will go towards new basketball courts and a tot-lot playground.

PETITIONS:

Bill Burns said the National Honor Society has painted under the underpass on Ervin Terrace and it looks a lot better. Mayor Rankle would like someone to set down and setup a new plan, not a white background. City Adm. Redmond is working with the art department at NKU. He is looking at casting palms into clay tiles to put under the underpass.

UNFINISHED BUSINESS:

Member Boruske would like to know what happened at the cable meeting. City Att. Fischer said the proposal was made that the budget be changed. The board would keep 2 to 3 months of expenditures and \$500,000 would be returned to the cities. The vote was 4 against, 2 in favor, 1 abstained. They're still using the formula we objected too. On July 14th the budget committee will meet to discuss giving money back to the cities. The board members have not changed much. Member Boruske said council spoke about getting out of the agreement with cable. Member Hurtt suggested more discussion on this after the budget meeting on July 14th. Member Volter agreed. City Att. Fischer has kept council up to date every six months. City Adm. Redmond said the city is at the same point they were 9 months ago, the county asked us to backup and wait. My suggestion is to wait until after their budget meeting. If its not a better fair deal, Member Boruske is ready to make a motion. The city is currently robbing Peter to pay Paul for cruisers. We cannot afford the \$43,000 expense. From everything I heard all the cities are suffering with higher CERS cost, where will the money come from? The money is out there. City Att. Fischer said Dayton does not have a representative on the cable board at this time. The meeting is open to the public.

NEW BUSINESS:

Member Volter received a letter from Tom Ratterman on behalf of the Fire Board. They would like to have a joint council meeting with Dayton, Bellevue and the Fire Board to discuss the interlocal agreement. Bellevue's Mayor has signed off on the \$148,000 to refurbish one of the fire trucks. They hope to get an answer within the next two weeks. Member Ashford said this is an excellent idea. Overall everything has worked very very well. Member Volter said the budget project has work well and this year things are on the right path. City Adm. Redmond will contact Tom Ratterman tomorrow. Mayor Rankle has refused to sign off on the \$148,000 until everyone has time to set down and talk. Nothing is being jeopardizing by not signing.

ADJOURNMENT:

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor

