

CITY OF DAYTON, KENTUCKY  
COUNCIL MEETING  
SEPTEMBER 4, 2007

A regular meeting of Dayton City Council was held on Tuesday, September 4, 2007, 7:00 p.m. in the Council Chamber of the Dayton City Building. Mayor Rankle opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

ROLL CALL:

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

MAYOR'S REPORT:

On Friday, August 31, 2007, a developer's days was held. The event started at Bricking's Marina and went down river. It was a huge success. Special thanks to Marvin Knobloch, Member Hurtt, Member Ashford and Member Volter. Because of this event the city has received several calls inquiring about development in the city.

We've had a major victory in the Beacon Lawsuit. They have 30 days to appeal.

The deadline for the KLC is approaching. Anyone wishing to go contact the clerk's office by Monday, Oct. 10, 2007.

The Senior Citizens Picnic is Wednesday, September 12<sup>th</sup>. If you need a ride call the city building. Member Allen will be riding the seniors again this year.

The pipe that is sitting outside city hall tonight is a sample of the pipe used for the new sanitary sewer line on the Riverfront. The pipe is 84" and 8143' of the pipe is needed. It cost \$40.00 per inch.

**CITY OF DAYTON, KENTUCKY**

2007-18 R

**AN ORDER AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DCI PROPERTIES-DKY, LLC, AN OHIO LIMITED LIABILITY COMPANY FOR ASSUMPTION OF THE LEASEHOLD INTEREST OF HERITAGE MARINAS LLC.**

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

**SECTION ONE:** That the City of Dayton is hereby authorized to enter into an Agreement with the DCI Properties-DKY, LLC for the assumption of the Leasehold Interest of Heritage Marinas, LLC. A copy of the agreement is attached hereto and made part hereof by reference.

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

**SECTIONTHREE:** 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

**AGREEMENT**

This Agreement entered into this \_\_\_\_day of August, 2007, by and between the City of Dayton, Kentucky (the "City") and DCI Properties-DKY, LLC, an Ohio limited liability company ("DCI"); WITNESSETH:

Whereas, the City has leased a portion of its riverfront to Heritage Marinas, LLC, an Ohio limited liability company, as successor in interest to Provident Bank, as successor in interest to Riverport Enterprises, Inc. an Ohio corporation, a copy of which together with all amendments thereto is attached hereto as Exhibit "A"; and

Whereas, this leased property to Heritage Marinas, LLC is being operated under the name of Watertown Yacht Club; and

Whereas, the City has entered into a Development Agreement with DCI dated November 15, 2005, a copy of which is attached hereto as Exhibit "B", which grants to DCI rights to develop the Dayton riverfront property subject to that Agreement; and

Whereas, DCI has entered into a purchase contract to acquire the leasehold interest of Heritage Marinas, LLC.

NOW, THEREFORE, IT IS HEREBY AGREED TO BETWEEN THE PARTIES AS FOLLOWS:

1. That the City hereby certifies that the leasehold agreement between the City and Heritage Marinas, LLC is in full force and effect and Heritage Marinas LLC as lessee is not in default of any provision of that lease agreement;
2. That the City hereby approves and consents to the acquisition by DCI of the Heritage Marinas, LLC's leasehold interest with the City; and
3. That the property subject to the leasehold interest of Heritage Marinas, LLC is included in the description of the property subject to the terms of the Development Agreement with DCI dated November 15, 2005.
4. That DCI takes the property subject of the leasehold interest subject to the terms of the lease described above as may have been modified by the Development Agreement with DCI dated November 15, 2005.

In witness whereof, the parties have hereunto set their hands on the date indicated above.

City of Dayton, Kentucky

DCI Properties – DKY, LLC

By: Kenneth E. Rankle  
Mayor

By: David Imboden  
Member

STATE OF KENTUCKY

COUNTY OF CAMPBELL

The foregoing Agreement was executed and acknowledged to before me this \_\_\_\_day of August, 2007, by Kenneth E. Rankle, Mayor on behalf of the City of Dayton, Kentucky, pursuant to approval granted by the City Council of the City of Dayton, Kentucky.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

STATE OF KENTUCKY

COUNTY OF \_\_\_\_\_

The foregoing Agreement was executed and acknowledged to before me this \_\_\_\_ day of August, 2007, by David Imboden, Member on behalf of the DCI Properties-DKY, LLC.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

This Agreement was prepared by:

\_\_\_\_\_  
James E. Parsons  
Taft Stettinius & Hollister LLP  
1717 Dixie Highway, Ste 340  
Covington, KY 41011

City Adm. Redmond said this is contingent upon DCI purchasing the leasehold owned by Heritage Marina or Mr. Lanny Holbrook. This does have a monetary value. The city acknowledges the lease to DCI for the same terms. There is a chance the lease will become a sale. Industrial Revenue Bonds will be treated as a sale. Currently we get \$65,000 per year lease, which increases every year. Motion by Member Boruske, seconded by Member Ashford to approve 2007-18R as read.

ROLL CALL:

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

Motion carried—so ordered.

Mayor Rankle asked if anyone wishes to speak.

Ron Friend, asked what would happen if DCI did not purchase the lease? City Adm. Redmond said Lanny Holbrook would still hold the lease. If purchased by DCI the Marina will be built upon and expanded. It will be fixed so the silt and sand does not collect at the entrance. This will help and deepen the entire area. It's anticipated there maybe one season lost at the Marina. DCI has called various Marina's in the area to see what can be done for the boaters currently in the Marina. The city will welcome the boaters back with open arms. Mr. Friend asked if the city has a time frame? City Adm. Redmond said, yes, but at this time we cannot say. Is DCI working with the Corp of Engineers? City Adm. Redmond said yes, DCI has met with them and I have also met with them. There are still several new permits that need to be granted.

Joe Smith said he and his family live at the Marina. You stated that they have agreed, is this correct? City Adm. Redmond said there is a sales contract agreement and option. He cannot say when the time to purchase will expire. What about a time frame? City Adm. Redmond said we have had some difficulty with the Sanitary Sewer Line that has prolonged things. It's estimated that it will be the season after next for boats to return. Mr. Smith said his vessel will not fit just anywhere. His son is currently enrolled in Lincoln School. How much of a time frame will we be given before we have to move? City Adm. Redmond will try and find out. Thirty days will not be enough. City Adm. Redmond said at this time he does not have an answer but I will do what it takes to make sure your family is pleased and protected. Mr. Smith said they do not want to move their son out of the school district but they may have to move to the Ohio. Would it be a problem to keep Andrew in the school system? Mayor Rankle

said he did not think that would be a problem but we could not be able to give him transportation. City Adm. Redmond said you are temporary displaced; the city will help with the school issue.

Mr. Dave Richie said he has been at Watertown for one season. He has already paid his winter dues and just wants to know what is going to happen. Mayor Rankle will try to contact Mr. Kersting and get a better time frame.

Kevin Desmond asked about the 600 dump trucks of dirt per day on Route 8. Will Route 8 hold up? City Adm. Redmond said the Kentucky Transportation Cabinet has been notified. The road will hold 80,000 lb; the loads have been based upon 80,000 lbs. There is no question there will be substantial damage to the road. Mr. Desmond asked about egress and ingress into the Marina? Mayor Rankle said the contractor would have to do something; they will most likely keep it plowed down. Mr. Desmond asked if the landlord tenant act applies to the lease we have for our slips? City Adm. Redmond said in his opinion I think it would but you'll have to read the landlord tenant act.

Mr. Friend asked if the developer would speak to the residents. City Adm. Redmond said yes, I think he would, we'll ask. Mayor Rankle said Mr. Kersting would be called tomorrow.

The Dayton Civic Club will hold their yard sale on Saturday, September 8<sup>th</sup>, 9:00 a.m. at Gil Lynn Park. The Dayton Park Board will hold their Movie in the Park the same day at dusk. The movie will be Happy Feet and free popcorn will be provided. Last year was very successful.

#### CITY ADMINISTRATOR'S REPORT:

Handicap parking request from Walter Morris, 933 O'Fallon Ave. City Adm. Redmond said he does own the home, drives, and has a doctor's statement. The problem is he has off-street parking. My recommendation is the city deny this request. Request dies no motion.

The homeowner from 310 Fifth Avenue asked if her handicap sign issue was straightened out. City Adm. Redmond said yes, you're right and I was wrong. There is not enough room for a car. Your handicap sign is okay. No action, sign stays as is.

#### ORDINANCES & ORDERS:

### THE CITY OF DAYTON, KENTUCKY

2007 -17

#### **AN ORDINANCE AMENDING THE DAYTON CODE OF ORDINANCES CHAPTER 152 § 152.07 REGARDING SPECIAL FLOOD HAZARD AREAS**

This ordinance amends the Dayton Code of Ordinances adopting the Federal Emergency Management Agency's (FEMA's) Letter of Map Revision (LOMR) dated July 31, 2007. This LOMR amends the most recent Flood insurance Rate Map of September 30, 2004.

I, John C. Fischer, an attorney licensed to practice law in the Commonwealth of Kentucky, as City 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 Gunning to approve 2007#17 as read.

#### ROLL CALL:

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

Motion carried—so ordered.

# CITY OF DAYTON, KENTUCKY

2007- # 19

## **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, 2007 THROUGH JUNE 30, 2008.**

### **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, 2007 through June 30, 2008, by the City of Dayton, Kentucky, the sum of .4790 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 .7440 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 .4790 on real and mixed property; .5009 on all automobile and watercraft personal property and .7440 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 .4290  
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 .6940  
For the acquisition and maintenance of parks within the City, the sum of .0500

**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, 2007 or the full amount by January 31, 2008. 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 18, 2007 at the office of the City Clerk/Treasurer and shall be delinquent after November 6, 2007, or as otherwise provided by Council by order, and the City Clerk/Treasurer shall thereafter proceed to attach to each bill a penalty of 20%. 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, 2007, 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 4, 2007  
Second Reading: September 18, 2007

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
Kenneth E. Rankle  
its Mayor

**ATTEST:**

\_\_\_\_\_  
Donna Leger, its Clerk

Comments: City Adm. Redmond said last year the city had about \$3,996,723 in property that was assessed but taxed at the enterprise rate. The city by law can only increase revenue by 4% on old property. Since the enterprise zone is over, this property will now be taxed at the regular rate. The city can take the 4% but it will only be a 2.6% increase on the tax bill. A person who owns a home valued at \$58,000 paid \$242.00 last year and will pay \$248.00 this year. Valued at \$100,000 paid \$418.00 last year and will pay \$429.00 this year. The tangible is based upon inventory, etc. The good news is new growth will bring in an additional \$32,000 per year. The public hearing needs to be advertised twice in two separate weeks. The public hearing will be held on Tuesday, September 18<sup>th</sup>, the second reading will also be read at the council meeting that night. So what we see is a \$6.00 per year increase, said Member Ashford.

**CONSENT AGENDA:**

Motion by Member Hurtt, seconded by Member Ashford to approve the minutes from the August 7<sup>th</sup> meeting. Motion carried—so ordered.

**DEPARTMENT HEAD'S REPORT:**

Marvin Knobloch, Main St. Manager, reported that two new businesses would be opening in Dayton on October 1st. The Sixth Street Dinner will open where the old McCarthy Pub was and a café at 517 Sixth Avenue. Cherry Creek Cabinets will be hosting the next business owners meeting on Wednesday, September 19<sup>th</sup>. Mayor Rankle said they did a nice job of painting the building. Mayor Rankle asked Marvin about the brochure. Marvin said a lot of people had a hand in creating the Dayton brochure. It was developed as a tool for developer's day.

Dennis Lynn, Fire Chief, you have a copy of the monthly report in your packet.

James Werner, Police Chief, said that been some break-ins and spray paintings of property. Officer Ben Wiesner has been working on this case and has arrested three subjects and recovered a lot of stolen property. Chief Werner was asked if the city had a gang problem. Chief Werner said no. Chief Werner said he has reviewed the parking issue by Dayton High School and Lincoln Elementary School in reference to the one-way street. He has not seen any big problems. If you notice any problem let the police department know.

Mayor Rankle explained that Dayton and other cities have been looking into the idea of another Fire Department merge possibility the merge of the Police Department. The cities are looking into these merges to see if the saving is available. Currently Dayton, Bellevue and Newport all have mutual aid anyway. The rising cost of CERS is one of the reasons for looking into a merge. Mayor Rankle asked if anyone had any comments? Member Ashford said it's the way of the future. Mayor Rankle said we have the responsibility to look into this. Mayor Rankle said he let Chief Werner know that the city would be looking into a merge before he was hired as Police Chief.

Donna Leger, Clerk/Treas., has a new real estate tax program this year and hopefully the tax bills will be mailed out by the end of September.

The city has received 68 applications for the Supt. of Public Work's job. Mayor Rankle said the 68 have been narrowed down to 11. Hopefully someone will be hired by the end of September.

**STANDING COMMITTEE REPORTS:**

Finance (Member Volter):  
None.

Safety (Member Allen):  
None

Public Works (Member Ashford)  
None

Park & Real Estate (Member Hurtt):  
The Park Board will be meeting once a month, on the third Monday. A little over \$9,000 was made on Music Fest. The work on the new basketball courts has started; this project will cost \$50,000. A new slide has been installed at Walnut Street Park and an infant swing at the Clark Street Park. The Park Board has been asked to install a handicap swing at Gil Lynn. Because of the large space that is needed they are not sure if they will be able to install the swing.

Personnel, Law & Printing (Member Gunning):  
None

Economic Development (Member Boruske):  
None.

PETITONS:  
None

UNFINISHED BUSINESS:  
The signpost at Mr. Deters on Fifth Avenue needs to be taken down.

NEW BUSINESS:  
Motion by Member Boruske, seconded by Member Gunning to set the hours for Trick or Treat and Halloween in the Park as 2 – 5 P.M. on Sunday, October 28<sup>th</sup>. Motion carried – so ordered.

EXECUTIVE SESSION:  
Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 (f) personnel. Motion by Member Boruske, seconded by Member Allen to go into executive session. Motion carried—so ordered.

ADJOURNMENT:  
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