
CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
OCTOBER 7, 2008

A regular meeting of the Dayton City Council was held on October 7, 2008, 7:00 p.m. in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with a silent prayer and the 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 Attorney Fischer	Present
Member Boruske	Present		

Mayor's Report:

Mayor Rankle welcomed everyone attending the meeting.

Mayor Rankle wanted to extend his condolences to the family of Mr. Miles Vaught. Mr. Vaught was a huge asset to the City of Dayton with over thirty years of service including four years as Mayor for the City of Dayton. Mr. Vaught was also involved with the procedures of the floodwall with Mayor Gil Lynn. Mayor Rankle feels that the City should recognize Mr. Vaught for his years of service to the City. Mayor Rankle would be open to any suggestions or input for this recognition of honor.

Mayor Rankle stated Election Day is November 4, 2008. Mayor Rankle wanted to know if council would like to change the date of the regular scheduled Council Meeting to Wednesday November 5, Motion made by Member Boruske and seconded by Member Hurtt to change the meeting date to Nov. 5. Motion carried – so ordered.

Mayor Rankle also announced that the Bikers Against Child Abuse held their annual bike run and that it was a success. The organization has dropped off literature and a CD that is available for anyone interested in viewing.

Mayor Rankle said that Reverend Smith's burned out house located at Third and Vine has been ordered by the court to begin demolition by October 17, 2008 at his expense. King and Sons who would like to build a ranch house and live in it offered Reverend Smith \$6,000 for the lot. Reverend Smith wanted the City to finish burning the house to the ground. The City refused to do so. Member Ashford was concerned that Reverend Smith will not comply with the court order. City Administrator Redmond feels the City should not use tax money to Demo the rest of the house. City Attorney Fischer said that if Reverend Smith does not comply he would be in contempt of Court. At this time City Attorney Fischer will file a contempt of court against Reverend Smith. City Administrator Redmond feels that we should give City Attorney Fischer time to file against Rev. Smith if need be.

Mayor Rankle announced that Halloween Trick or Treat will be Sunday October 26 from 2pm to 5pm along with the Halloween at Gil Lynn Park that is being sponsored by the Police Dept., Fire Department and the Civic Club. Meet the candidates will be held on Tuesday October 17, 2008 at the VFW Hall in Dayton, KY. Two Civic Club members that live at Riverpointe will be the individuals that will review the question that will be asked at the Meet the Candidates. The new principal of Dayton High School Mr. Curt Haun will lead everyone in the Pledge of Allegiance.

Mayor Rankle also talked in regards with how pleased he was with the storm clean up within the city and with the removal of residential debris.

CITY ADMINISTRATOR'S REPORT:

City Administrator Redmond noted that Gerald Lambert, 626 Sixth Ave. had applied for a handicap spot but he does not own the property, he rents the property. Therefore City Administrator Redmond moved for a motion to deny the handicap space. Motion made by member Boruske and seconded by Member Gunning. Motion carried – so ordered.

City Admin Redmond stated that today is his third year anniversary of working for the City of Dayton. Mayor Rankle stated that he appreciates everything that City Admin Redmond has done to help him and the City of Dayton.

CONSENT AGENDA

Mayor Rankle asked for a motion to accept the minutes from the Public Hearing held on September 15, 2008. Motion made by Member Hurtt and seconded by Member Ashford, Member Allen and Member Volter abstained. Motion carried – so ordered.

Motion made by Member Allen and Seconded by Member Hurtt, Member Allen and Member Volter abstained to accept the Minutes from the special hearing held September 15, 2008. Motion carried – so ordered.

Motion by Member Boruske and seconded by Member Gunning to accept the September 11, 2008 Public Hearing minutes. Motion carried – so ordered.

ORDINANCES & ORDERS

First reading:

CITY OF DAYTON, KENTUCKY

2008- #11

ORDINANCE NO. 2008#11

AN ORDINANCE OF THE CITY OF DAYTON, KENTUCKY MAKING CERTAIN FINDINGS CONCERNING AND ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE CITY OF DAYTON, KENTUCKY TO BE KNOWN AS THE MANHATTAN HARBOUR DEVELOPMENT AREA; APPROVING A LOCAL PARTICIPATION AGREEMENT WITH CAMPBELL COUNTY, KENTUCKY; ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF REDEVELOPMENT ASSISTANCE, APPROVED PUBLIC INFRASTRUCTURE COSTS AND SIGNATURE PROJECT COSTS; DESIGNATING THE CITY AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION AND IMPLEMENTATION OF THE DEVELOPMENT AREA; AND AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE DEVELOPMENT AREA.

WHEREAS, the City of Dayton, Kentucky (the "City") by virtue of the laws of the Commonwealth of Kentucky (the "Commonwealth"), Kentucky Revised Statutes, specifically Sections 65.7041 to 65.7083, as may be amended (the "Act"), is authorized to, among other things, (1) establish a development area to encourage reinvestment in and development and reuse of areas of the City, (2) enter into agreements in connection with the establishment and development of a development area (3) establish a special fund for deposit of incremental revenues resulting from the development of a development area and (4) designate an agency to oversee, administer and implement projects within a development area; and

WHEREAS, the City desires to establish a "development area" as defined in the Act to encourage reinvestment and development within such development area and to pledge a portion of the "incremental revenues" as defined in the Act generated from the development of such development area to the payment of redevelopment assistance, approved public infrastructure costs and/or signature project costs within such development area.

WHEREAS, the City has identified a contiguous tract of land of previously developed land consisting of not more than three square miles within the City, specifically described in Exhibit A hereto, that is in need of being redeveloped and is not reasonably expected to be developed without public assistance; and

WHEREAS, there has been a substantial loss of residential and commercial activity within the Development Area, at least 40% or more of the households in the Development Area are considered low-income households, and the Development Area has inadequate public improvements; and

WHEREAS, the City has determined to establish the Development Area as a development area pursuant to the Act to encourage reinvestment and development within the Development Area; and

WHEREAS, the City, Campbell County, Kentucky (the "County") and other taxing districts located in the County have agreed to support and encourage development within the Development Area by pledging certain Incremental Revenues (hereinafter defined) to the payment of Increment Bonds (hereinafter defined) under a Local Participation Agreement (hereinafter defined); and

WHEREAS, a Developer has prepared and presented a "Development Plan", as defined in the Act, for the consideration and adoption of the City concerning certain development plans of the Developer for the Property (the "Development"); and

WHEREAS, the City pursuant to the Act held a public hearing on September 11, 2008 after giving proper notice concerning the City's intention to consider the adoption of the Development Plan; and

WHEREAS, the adoption of the Development Plan and the establishment of the Development Area are for a public purpose and that the establishment and creation of the Development Area within the City is for the benefit and welfare of the City's citizens; and

WHEREAS, the City Council of the City deems it necessary to enact this Ordinance in accordance with the Act and for the purposes set forth and described herein and in the Act.

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

SECTION 1. Definitions.

1.1 The capitalized terms set forth below when used herein shall have the following meanings.

"Act" means Kentucky Revised Statutes, Sections 65.7041 to 65.7083, KRS 154.30-010 to KRS 154.30-090 and KRS 139.515.

"Commonwealth" means the Commonwealth of Kentucky.

"Development Area" means a contiguous geographic area of previously developed land, located within the geographical boundaries of the City, which is created for economic development purposes by this Ordinance in which one (1) or more Projects are proposed to be located and consisting of less than 3 square miles, as more specifically described in Exhibit A attached hereto, to be known as the "Manhattan Harbour Development Area".

"Development Plan" means The Manhattan Harbour Development Plan attached as Exhibit C.

"Establishment Date" means the date that the Development Area is established pursuant to the Act and this Ordinance.

"Financing Costs" shall mean principal, interest, costs of issuance, debt service reserve requirements, underwriting discount, costs of credit enhancement or liquidity instruments, and other costs directly related to the issuance of bonds or debt for Project Costs, Redevelopment Assistance, Approved Public Infrastructure Costs or Approved Signature Project Costs.

"Increment Bonds" means bonds or notes issued pursuant to the Act to pay for Project Costs, Redevelopment Assistance, Approved Public Infrastructure Costs, Financing Costs related to Approved Public Infrastructure Costs and/or Approved Signature Project Costs, the payment of which Increment Bonds shall be supported solely by Incremental Revenues pledged by the City, the County, the Commonwealth and other local taxing authorities.

"Increment Revenues" means the new local and Commonwealth taxes that will be created by the construction and operation of the Project and as defined by the Act.

"KEDFA" means the Kentucky Economic Development Finance Authority.

"Local Participation Agreement" shall mean the Local Participation Agreement between the City, the County and other local taxing authorities, attached as Exhibit "B" hereto.

"Manhattan Harbour Project" means a mixed-use development anticipated to be developed by the Developer in accordance with the Development Plan, and expected to fulfill the criteria for a "Signature Project" as defined in the Act.

"Pledged Revenues" means that portion of the Incremental Revenues (as such term is defined in the Act) which are pledged by the City, the County, the Commonwealth and any other relevant taxing authorities, other than fire districts or school districts, pursuant to the Local Participation Agreement or the Project Grant Agreement, to the financing of Redevelopment Assistance, Approved Public Infrastructure Costs and/or Signature Project Costs (as those terms are defined in the Act) for the Development Area.

"Project" shall mean the proposed comprehensive redevelopment project within the Development Area more specifically described in the Development Plan.

"Incentive Agreement" shall mean the agreement entered into pursuant to KRS 154.30-010 to KRS 154.30-090 and KRS 139.515 of the Act between the Kentucky Economic Development Finance Authority and the Agency, relating to the Development Area.

1.2 All capitalized terms used herein and not defined above or in the recitals to this Ordinance shall have the meaning as set forth in the Act as of the effective date of this Ordinance.

SECTION 2. Findings and Determinations. In accordance with the Act, the City hereby makes the following findings and determinations with respect to the Development Area:

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- (a) The Development Area consists of a contiguous tract of land that is no more than three (3) square miles. The actual size of the Development Area is 159 acres;
- (b) That the Development Area constitutes previously developed land as required by KRS 65.7043. The Development Area is currently developed with residential, commercial, public facilities and recreational uses. A portion of the Development Area is fully developed with residences and a limited number of commercial properties. The Flood Levee (the "Levee") area of the Development Area is developed with public facilities, including the Levee and its related components, such as pumping facilities, sanitary sewer transmission lines and collection systems, etc, and recreation and commercial uses. Prior to the construction of the flood levee system the riverfront area was developed with residential and commercial uses. Over 276 houses and numerous other structures were previously located along the City's Ohio riverfront and were demolished to allow for the construction of the Levee. Along the western edge of the north side of the Levee are located the business facilities for RiverCity Marina and Queen City Riverboats and along the eastern end of the Levee is located the Watertown Marina (now referred to as Manhattan Harbour). Much of the City's Ohio riverfront is leased to the operators of RiverCity Marina, Queen City Riverboats and Watertown Marina;
- (c) There is one existing local development area for the Belmont Lakes development (as defined in the Act) in the City;
- (d) The 2007 calendar year assessed valuation of real property within the Development Area is \$9,614,851, and the current assessed value of real property within the City is \$176,000,000;
- (e) The establishment of the Development Area will not cause the assessed valuation of taxable real property within all development areas or local development areas established pursuant to the Act in the City to exceed twenty percent (20%) of the assessed value of all taxable real property within the City as of the establishment date;
- (f) Within the past five years there has been a substantial loss of residential and commercial activity within the Development Area. As was indicated above with the construction of the Levee, over 276 housing units were demolished. While this occurred over five (5) years ago it does reflect the significant changes that have occurred in the City and Development Area over the years. The overall population of the City has declined significantly. According to the U. S. Census the population of the City in 1990 was 6,576. In 2000 the population was 5,958 and the recent 2007 estimate of the City's population published by the Kentucky State Data Center shows the population to be 5,477. This represents an eight percent (8%) decline in population since 2000 and a seventeen percent (17%) decline in population since 1990. Within the Development Area numerous businesses within the area have closed. Many of the separate businesses located at the marinas have struggled and the turnover of the businesses at these locations has been significant;
- (g) Forty percent (40%) of the households within the Development Area are low-income. The most recent U.S. Census data show that more than 16.3% of the households within the City have incomes below the poverty line. The area proposed to be included in the Development Area is one of the most distressed areas within the City and clearly contains more than 40% low income households based on the criteria set forth in KRS 65.7045(27). Information published by the National Center for Education Statistics shows that as of 2005 of the 1,003 students attending the City's public schools, 647 (64.5%) qualified for a free lunch and another 139 (13.8%) qualified for a reduced-price lunch based on federal standards;
- (h) More than fifty percent (50%) of the residential, commercial or industrial structures within the Development Area are deteriorating or deteriorated. A recent survey by the City shows that many of the residential and commercial structures within the Development Area exhibit code violations and several have enforcement actions pending. The residential structures in the area were built in the early twentieth century. Even those structures well maintained show signs of deterioration due to their age. Marina operations on the riverfront are in distress. The Queen City Riverboat and River City Marina exhibit decline and a lack of

investment. The Watertown Marina at the eastern end of the Development Area is in serious decline and has suffered from lack of upkeep, maintenance, and business activity. The harbor and boat docking/storage area at the Watertown Marina have experienced problems with silt, which has impacted the business operations there;

- (i) The Development Area has inadequate public improvements to support development. More than 2.5 million gallons of untreated sewage is bypassed each year and flows directly into the Ohio River due to inadequate sewage lines and combined sewer overflows located within the area. Access to the riverfront area included in the Development Area is severely limited and must be rebuilt to support development. A portion of the Development Area lies with the floodplain and infrastructure is needed to support development in this area to raise the area to above the 100 year flood level. Parking facilities must be constructed to support the Project. The Development Area is impacted by a major sanitary sewer line that is being relocated at a considerable cost to allow for the construction of the Project. The new line that is currently being installed by the Developer is being upsized to reduce and possibly eliminate combined sewer overflows into the Ohio River. To provide for the development of the Project a new east-west road and related facilities must be constructed and a new access road must be built to provide another access point to the Project;
- (j) There is a combination of factors that substantially impairs or arrests the growth and economic development of the City. For many years the City has suffered from a shrinking population, a large percentage of low-income residents and lack of business investment. The Levee, while correcting flood problems, has separated the City from its most important asset, the Ohio River. The City is at the most eastern edge of the urbanized area, whereas most development has occurred directly across from downtown Cincinnati;
- (k) The Development Area is not reasonably expected to be developed without public assistance and there is a need to use redevelopment assistance, including but not limited to tax increment financing, to encourage development within the Development Area. The need for redevelopment assistance is demonstrated by the significant amount of infrastructure improvements needed, approximately \$100,000,000 due to (i) the fact that the Development Area is in a floodplain requiring a million tons of earth and other infrastructure to raise much of the Development Area to above the 100 year flood level, (ii) inadequate sewage infrastructure and (iii) inadequate transportation access;
- (l) The public benefits of the Development Area justify the public costs involved in that the public investment in Approved Public Infrastructure Costs and Approved Signature Project Costs is expected to be approximately \$120,000,000 while private investment in the Development Area is expected to be between \$600,000,000 and \$800,000,000. Additionally, the Project is expected to create more than 300 new jobs, will provide for a comprehensive redevelopment of approximately 140 acres in the City and will encourage investment in areas adjacent to the Development Area. The development of the area will generate significant new taxes to City, County, other local taxing districts and the Commonwealth. When fully developed the Project will more than triple the total taxable real property assessment for the City;
- (m) That the area immediately surrounding the proposed Development Area has not been subject to growth and development by private enterprise;
- (n) That all of the conditions set forth above qualify the area shown in Exhibit A to be established as a development area pursuant to the requirements of the Act and all required steps have been met to establish the Development Area and the Project meets the requirements of the Act to qualify as a Signature Project; and
- (o) The Project and the establishment of the Development Area constitutes a public purpose.

SECTION 3. Establishment, Name, Boundaries. All that area described herein by Exhibit A attached hereto and made a part hereof, is located within the City and is hereby established and designated as the "Manhattan Harbour Development Area". Generally, the boundaries of the Development Area are O'Fallon Avenue to the West, the Ohio River to the North, just east of Watertown Marina to the East and along the South toe of the Flood Levee to the South and including Berry Avenue from Route 8 to the Flood Levee. At the time of the enactment of this Ordinance the Development Area is less than 3 square miles.

SECTION 4. Establishment Date, Commencement Date, Termination date. The Establishment Date is the effective date of this Ordinance. The Commencement Date of the Development Area is the date of execution of the Local Participation Agreement and the Termination Date shall be exactly thirty (30) years subsequent to such date; provided, that if the Incentive Agreement for the Project or a Local Participation Agreement relating to the Development Area has a Termination Date that is later than the Termination Date established in this Ordinance, the Termination Date for the Development Area shall be extended to the Termination Date of the Incentive Agreement, or the Local Participation Agreement. However, the Termination Date for the Development Area shall in no event be more than thirty-five (35) years from the Establishment Date.

SECTION 5. Adoption of Development Plan. The City hereby adopts the Development Plan, attached hereto as Exhibit C. The City Council hereby finds and determines that a public hearing was duly held on September 11, 2008 to solicit public comment on the Development Plan, following publication of notice thereof in accordance with Chapter 424 of the Kentucky Revised Statutes, as amended. It is hereby confirmed that a copy of the Development Plan was filed with the City Clerk and the Fiscal Court Clerk of the County of Campbell, Kentucky on September 3rd, 2008, that the County has raised no objections regarding the Development Plan and that the County has notified the City that it intends to participate in the Development Plan through execution and delivery of the Local Participation Agreement.

SECTION 6. Local Participation Agreement. The Mayor of the City are hereby authorized and directed to execute, acknowledge and deliver on behalf of the City a Local Participation Agreement, a form of which is attached as Exhibit B and made a part hereof, among the City, the County and Special Districts, authorizing the pledge of a portion of the Incremental Revenues of the City, County and Special Districts from the Development Area to the payment of Project Costs, Redevelopment Assistance, Approved Public Infrastructure Costs and/or Signature Project Costs. The form of Local Participation Agreement to be signed by the Mayor on behalf of the City, shall be in substantially the form attached hereto, subject to further negotiations and changes therein that are not inconsistent with this Ordinance and not substantially adverse to the City. The approval of such changes by said officers, and that such changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of such Local Participation Agreement by such officials.

SECTION 7. Special Fund. There is hereby established a Special Fund of the City to be known as the Manhattan Harbour Development Area Tax Increment Fund. into which the City covenants to deposit, and into which City officials are hereby authorized and directed to deposit all Pledged Revenues. The City's Agency shall maintain the Special Fund unencumbered except for the purposes set forth in Section 8 hereof. Funds deposited in the Special Fund shall be disbursed in accordance with the Act, this Ordinance, the Local Participation Agreement, Project Grant Agreement, the Development Plan and related documents to pay for Project Costs, Redevelopment Assistance, Financing Costs, Approved Public Infrastructure Costs and Approved Signature Project Costs within the Development Area.

SECTION 8. Use of Pledged Revenues. Pledged Revenues shall be deposited by the City into the Special Fund created under Section 7 hereof and shall be used solely to finance Project Costs, Redevelopment Assistance, Financing Costs, Approved Public Infrastructure Costs and/or Signature Project Costs, as those terms are defined in the Act, as determined from time to time by the City in accordance with the Local Participation Agreement and the Development Plan. Such financing of Project Costs, Redevelopment Assistance, Financing Costs, Approved Public Infrastructure Costs and/or Signature Project Costs includes, but is not limited to, the payment of debt service on any Increment Bonds (as defined in the Act), which may be issued by the City, payment of costs of issuance of any such Increment Bonds, and for such other purposes as may be determined by the City and that are appropriate and in compliance with the purposes set forth in this Ordinance, the Local Participation Agreement, the Project Grant Agreement, the Development Plan and the Act, as the same may be amended from time to time.

SECTION 9. Authorization of Application to KEDFA. The Mayor, the City Administrator and other officials of the City are hereby further authorized and directed to execute, acknowledge and deliver on behalf of the City one or more applications to KEDFA and related offices of the Commonwealth in order to obtain "Signature Project" status for the Manhattan Harbour Project.

SECTION 10. Periodic Accounting / Analysis. Any entity, other than the City that receives financial assistance pursuant to the provisions of this Ordinance, whether in the form of a grant or loan or loan guarantee shall make a periodic accounting to the governing body of the City in accordance with the Act and the documents controlling such grant, loan or loan guarantee.

The governing body of the City shall be required to review and analyze the progress of the development activity in the Development Area on an annual basis. Such reports shall, at a minimum, include a review of the progress in meeting the stated goals of the Development Area. The City Administrator shall report to the governing body of the City during such reviews and shall when necessary invite developers to participate in the review process to report on the progress of their developments within the Development Area. The review and documentation supporting the review shall be forwarded to KEDFA in accordance with the Act.

SECTION 11. Designation of Oversight Agency. Pursuant to the Act, the City Council hereby designates the City as the agency (the "Agency") of the City for purposes of oversight, administration and review responsibility of this development area ordinance, the Local Participation Agreement and the Development Area established hereby. The Agency shall act on behalf of the City in administering the Development Area, entering into Development Area agreements, and other related agreements, with respect to the development of the Development Area and the financing of Redevelopment Assistance, Approved Public Infrastructure Costs and/or Signature Project Costs therein.

SECTION 12. Authorization of City Officials. The Mayor and other appropriate City officials, officers, employees and agents are hereby authorized to take all necessary actions to

submit the necessary application and other documents to KEDFA and any other necessary entities to obtain the necessary approvals and to take all necessary actions as required by the KEDFA and other entities to meet all of the requirements of and qualify to participate in the Signature Project Program as set forth in the Act, and to carry out the intent of this Ordinance.

SECTION 13. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

SECTION 14. Repeal of Conflicting Orders and Ordinances. All prior resolutions, municipal orders or ordinances or parts of any resolution, municipal order or ordinance in conflict herewith are hereby repealed.

SECTION 15. Effective Date. This Ordinance shall be in full force and effect from and after its passage, attestation, recordation and publication of a summary hereof pursuant to KRS Chapter 424.

INTRODUCED, SECONDED AND GIVEN FIRST-READING APPROVAL AT A DULY CONVENED MEETING OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, held on the 7th day of October, 2008.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE DAYTON, KENTUCKY CITY COUNCIL, held on the 14th day of October, 2008 and on the same occasion signed by the Mayor as evidence of his approval, attested by the City Clerk, published and filed as required by law, and declared to be in full force and effect from and after its adoption and approval according to law.

Approved:

By: _____
Mayor

ATTEST:

City Clerk

Mr. Jim Parson the lawyer for DCI Properties stated that this ordinance would allow the creation of Manhattan Harbour with local participation and pledged new revenues without raising taxes. This agreement would include Campbell County Fiscal Court, Campbell County Public Library, and the Health Board all having the identical pledge as the City of Dayton of fifty percent. Member Hurtt wanted to know when the State application would be filed. Mr. Parsons stated that the application would be submitted to Frankfort next week with or without the Campbell County Extension on board. Mr. Parson mentioned that the final approval should be sometime in January.

Mr. Jim Kersting from DCI Properties talked about the work being performed on the floodwall. He stated that he was meeting with the Corp of Engineers on Friday October 10th; to see if what has been completed is to their specifications which he feels has been achieved. Two years ago a development that was in progress and had been halted has been approved now and the builder wants to move 400,000 yards of dirt from this site within one hundred days. They would need to run two shifts with thirty trucks per shift. If agreed it will provide us with half of the fill we need within one hundred days. The excelsior blanket that is being placed on the floodwall should be finished by October 30, 2008.

City Admin Redmond stated that Mr. Parson and he have been working on the revision of the Development Agreement. Mr. Parsons said that the City staff has been very helpful in this procedure.

First Reading:

CITY OF DAYTON, KENTUCKY

2008 - # 12

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DAYTON

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

SECTION ONE: That the official zoning map of the City of Dayton be amended in that the zone of an approximately 5.980 acre area adjoining Lot 14 of Recar Place Subdivision and Chateau Ridge Subdivision and located at the end of Osage Drive and more fully described in the real property description which is attached hereto an made part hereof by reference be designated as R-1-H.

SECTION TWO: The Dayton City Council finds that the zone change is consistent with the goals and objectives of the Comprehensive Plan and finds that the Planning and Zoning Commission of the City of Dayton has held the necessary public hearing and has recommended that the change be adopted.

SECTION THREE: The Mayor and Codes Officer are hereby authorized and directed to make the necessary changes to the Official Zoning Map of the City of Dayton to reflect the above.

SECTION FOUR: 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, Campbell County, Kentucky assembled in regular session.

First Reading:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Mayor Rankle stated that Curly Rogers development will include nine new homes that are 3,000 sq. ft. per house.

In reference to the September windstorm, Member Volter stated that FEMA was going to try and help the City of Dayton. City Administrator Redmond stated that the City of Dayton had fifty four damaged structures including roof and siding damage along with tree damage estimated at a cost of approximately one hundred six thousand dollars. The City applied for all the excess costs that the public works department incurred from the storm damage, the fire department did not incur any excess cost. Mayor Rankle said that the FEMA decision is still in Washington, D.C. Noting that it being election year, there is a thirty percent more chance that the decision will be accepted.

DEPARTMENT HEAD'S REPORT:

Denny Lynn – Fire Chief, copy of report.

Mark Antrobus – Sergeant, Stated that Police Officer Ben Wiesner has been promoted to Corporal / Shift Supervisor.

Bobby Fuller – Public Works, talked in regards to Barrett Paving finishing the repaving on the Nine hundred block of Walnut St. and Lincoln Rd. Also the storm damage rap-up will be this week so that the burn site can be shut down. The public works department has bought a leaf machine for around eighteen hundred dollars. It is sitting outside the City Building if anyone is interested in checking it out; it does a good job but is a little loud and dusty, which can be expected. The leaves will be picked up from out of the gutters. Just call when you are ready for a pick-up. City Administrator Redmond stated that before the meeting Mr. Fuller was talking about a program for the leaf pick-up, U-Call We Haul.

With this we can stay on top of the leaf pick-ups which in turn keep the leaves from blowing and our City cleaner.

Marvin Knobloch – Main Street Manager, said that Mr. Steve Ellis from the Bank of Kentucky will be joining the Main Street Board. Also Saturday October 25, 2008 there is going to be a City-wide clean-up from 10 AM-12 noon, if you are interested in joining us meet at City Hall at 10 AM.

Donna Leger - Clerk / Treasurer, stated that the tax bills have been mailed out and that they are due by November 6, 2008. Mayor Rankle stated that the taxes have been reduced by nineteen percent and that the City has no control over the PVA assessment or the school district.

CORRESPONDENCES:

1. Thank you note from the Dickman's thanking everyone for the great senior picnic.
2. Thank you note from Arlene Vaught for all the prayers, cards and visits during her difficult time.

STANDING COMMITTEE REPORTS:

FINANCE (MEMBER VOLTER): no report, suggestion of a meeting in the near future, nothing pressing as of now.

PUBLIC SAFETY (MEMBER ALLEN): no report.

PUBLIC WORKS (MEMBER ASHFORD): Stated that the leaf machine public works purchased had to rebuilt from the ground up, and it turned out terrific. Also the blacktop turned out very nice. Member Ashford commended public works on the extraordinary job they did handling the storm damage.

PARKS & REAL ESTATE (MEMBER HURTT): no report for Parks. Since the funding from the Home Consortium has been available, seven loans have been closed and of the seven three were from Dayton. Member Hurtt will be attending a Home Consortium meeting in the near future where there will be a discussion regarding a Housing Bill in which Cities will receive money toward the houses in there City that have been foreclosed on.

PERSONNEL, LAW & PRINTING (MEMBER GUNNING): no report.

ECONOMIC DEVELOPMENT (MEMBER BORUSKE): no report.

Comments from the audience:

Mr. Klosterman stated that during the storm a tree that is located next to the YMCA teen center fell on a car and his fence. Mr. Klosterman feels the City should make them remove the tree. City Administrator Redmond said that if a tree falls onto your property it is your problem, unless the tree has been noted to be unhealthy then it is the tree owners' problem. The portion of the tree that is left standing looks to be a hazard. Mayor Rankle stated that the owner of the tree will be sent a letter to remove what is left of the tree. Mr. Klosterman said that the shanty is still standing; City Administrator Redmond stated that the homeowner of the shanty had applied for the building permit that gives the homeowner six months to comply with code. It has not been six months yet. Member Volter wants to get back with the conversation of the trees. Member Volter wants to know what a homeowner should do regarding an unhealthy tree that is a potential hazard to them. City Attorney Fischer said that the homeowner that has concerns of an unhealthy tree should send a certified letter to the homeowner with the unhealthy tree and send a copy of the letter to the City. Also a third party should inspect the tree to determine whether or not the tree needs to be removed. The Campbell County Extension has an arborist employed who could maybe do an inspection since we pay taxes.

Unfinished Business:

None.

New Business:

Mayor Rankle stated that the Board of Adjustment is having a hard time meeting their quorum, and would like to reduce their quorum to five instead of seven. Member Ashford made the motion and Member Hurtt seconded it. Motion carried – so ordered. Mayor Rankle also mentioned that there may be a new company moving into the building where Studio Signs was located. The new business will have as many if not more employees than Studio Signs.

EXECUTIVE SESSION:

Mayor Rankle entertained a motion to go into Executive Session KRS 61.810 – (J) - Meetings with federal or state law specifically require to be conducted in privacy. Member Boruske made the motion and Member Gunning seconded it. Motion carried – so ordered.

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

ADJOURNMENT:

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

Respectfully submitted,

Joni Mallery
Clerk

ATTEST:

Kenneth E. Rankle
Mayor