

**CITY OF DAYTON, KENTUCKY
BUDGET MEETING
COUNCIL MEETING
MAY 19, 2009**

Dayton City Council held a budget meeting on Tuesday, May 19, 2009, 5:30 p.m. in the council chamber of the Dayton City Building. Present: Mayor Rankle, Member Brooks, Member Volter, Member Boruske, Member Gunning, City Adm. Redmond, City Att. Fischer, Bobby Fuller, Supt. P.W., Marvin Knobloch, Main Street Manager, James Werner, Police Chief, Dennis Lynn, Fire Chief and Donna Leger, Clerk/Treas.

A discussion was held on the current (08/09) and new (09/10) budgets. Everyone had a chance to express their opinions and concerns.

The meeting was closed at 6:55 p.m. and the regular council meeting started at 7:00 p.m., Mayor Rankle opened the meeting with the Pledge of Allegiance.

ROLL CALL:

Mayor Rankle	Present	Member Gunning	Present
Member Ashford	Absent	Member Allen	Present
Member Brooks	Present	City Adm. Redmond	Present
Member Volter	Present	City Att. Fischer	Present
Member Boruske	Present		

Second Reading:

ORDINANCE 2009#5

AN ORDINANCE AUTHORIZING THE AMENDMENT OF BOND DOCUMENTS RELATING TO THE RESTRUCTURING OF THE OUTSTANDING CITY OF DAYTON, KENTUCKY ADJUSTABLE RATE INDUSTRIAL BUILDING REVENUE BONDS, SERIES 1994 (RADAC CORPORATION PROJECT), INCLUDING THE EXECUTION OF ASSIGNMENTS AND SECURITY INSTRUMENTS RELATING TO THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE RESTRUCTURING OF SUCH BONDS.

Motion by Member Boruske, seconded by Member Volter to accept 2009-#5 as read.

ROLL CALL:

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

Motion carried—so ordered

2009-8R

CITY OF DAYTON, KENTUCKY

2009- 8R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH DCI PROPERTIES-DKY, LLC, AN OHIO LIMITED LIABILITY COMPANY FOR DEVELOPMENT OF CITY OWNED PROPERTY ALONG THE OHIO RIVER.

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

SECTION I 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 along the Ohio River 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 mixed-use, mainly residential, purposes;

That the Property is surplus property, is not necessary for the effect 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 DCI Properties-DKY, LLC pursuant to KRS 82.083(3)(b);

The City offers to sell the property and DCI Properties-DKY, LLC has offered to purchase and develop the property, subject to and in accordance with the terms, covenants and conditions of this Agreement;

That the City has previously entered into a Development Agreement with DCI Properties-DKY, LLC but that economic, engineering and other considerations have significantly altered since the said Development Agreement was adopted by the Parties;

That, due to those changes, it has been necessary for the Parties to renegotiate the terms of the Development Agreement and that those changes have been incorporated into an Amended and Restated Development Agreement as of June 1, 2009.

SECTION TWO: That the City of Dayton is hereby authorized to enter into an Amended and Restated Development Agreement as of June 1, 2009 with the DCI Properties-DKY, 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 _____, 2009.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Motion by Member Boruske, seconded by Member Allen to accept 2009-8R as read.

ROLL CALL:

Member Allen	Aye	Member Volter	Aye
Member Ashford	Absent	Member Boruske	Aye

Member Brooks Aye

Member Allen Aye

Motion carried—so ordered.

Comments: We're now going to receive \$2,000,000 for the City Building; at first, it was \$500,000. There will be no property transfer until the construction contract for the new city building is signed. Cathy Gordon said she understands that the development was sold to the Chans. Mayor Rankle said not yet. If this happens the agreement will be with the city and both DCI and C&M Investments. City Att. Fischer said the agreement is assignable but DCI will still be held responsible as well as C&M Investments. Mayor Rankle said C&M Investments has every intention of buying from DCI. It's safe to assume C&M Investments is very well informed. City Adm. Redmond suggested we wait until C&M Investments buys out DCI to address this issue. We still need a new development agreement because of the TIFF Bonds. City Adm. Redmond and City Att. Fischer worked on the agreement, this is the best agreement we can come up with.

Greg Wetterstroem., 1121 Locust St., said the new development on Locust is causing problems. The construction company is always blocking the street; all the trucks unload on the street. Sometimes we can't ever get out of our driveways. Someone is going to have a wreck. They start each day at 7:00 a.m. It's been a nightmare since day one. City Adm. Redmond said he was told by Mr. Glassmeyer that the street would not be blocked all day. Another resident said they worked until 9:00 p.m. the other night, which will be a problem. City Adm. Redmond advised that the first request was for 20 homes; now it's down to 9. There will be times the street needs to be blocked. Resident asked what happened to coming off of Edwards Avenue. Member Boruske said working until 9:00 p.m. and blocking the street is not acceptable. Mr. Wetterstroem asked if the plans had changed since last year. At the Planning & Zoning Meeting it was said the homes would be 17' off the curb and the trucks would come off of Edwards Avenue. They've done nothing but lie since day one. The workers are taking all the parking spaces and blocking the driveways. City Adm. Redmond said the workers were suppose to park on Fairview Avenue. City Adm. Redmond will call Mr. Glassmeyer first thing in the morning. Mayor Rankle said the construction company would not be able to access through Edwards Avenue. Ms. Tally Jones, 329 Silver Street, complained about the trucks turning around in her gravel driveway. She recently installed poles to keep this from happening. City Adm. Redmond feels the city has tried to lessen the effect on the residents the best we could. A resident asked what will happen with the road. City Adm. Redmond said the developer will have to fix it back. The city has an agreement in writing with the developer and Water Company about the street. Call the office immediately if you have any more problems.

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor