

City of Dayton, Kentucky  
Council Meeting  
May 5, 2009

A regular meeting of Dayton City Council was held on Tuesday, May 5, 2009, 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 Brooks	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT:

The pet fair and car show at Gil Lynn Park was well attended. The park looked great.

Thanks to everyone who helped out at the Civic Club Easter Egg Hunt, there were about 150 pictures taken with Easter Bunny.

CITY ADMINISTRATOR'S REPORT:

Request for a handicap parking space from Shirley Bishop, 930 Sixth Avenue. Ms. Bishop has all the paperwork filled out and no off-street parking. City Adm. Redmond recommended that the space be given to Ms. Bishop. Motion by Member Boruske, seconded by Member Gunning to approve a handicap parking space at 930 Sixth Avenue. Motion carried—so ordered.

Request for a handicap parking space from Patrick C. Johnson, 629 Third Ave. Mr. Johnson does not meet the requirements. He does not own the home. City Adm. Redmond recommended that council take no action on his request. No action taken.

CONSENT AGENDA:

Motion by Member Allen, seconded by Member Brooks to accept the minutes from the regular meeting of April 7<sup>th</sup> and the minutes from the special meeting of April 27<sup>th</sup> as received. Motion carried—so ordered.

ORDINANCES & ORDERS:

**CITY OF DAYTON, KENTUCKY**

2009 - 2

**AN ORDINANCE AMENDING CHAPTER 150, SECTIONS 150.16 OF THE DAYTON CODE OF ORDINANCES SETTING BUILDING PERMIT FEES.**

This ordinance adopts the Campbell County building permit fee schedule, as amended from time to time, and applies same to the City of Dayton. Further, it requires a copy of the building permit fee schedule to be kept in the City Clerk/Treasurer's office and be made available for public inspection.

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

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**JOHN C. FISCHER**

Motion by Member Boruske, seconded by Member Ashford to approve 2009#2 as read. Comments: Will our building fees be greatly adjusted? City Adm. Redmond said no.

ROLL CALL:

Member Boruske	Aye	Member Ashford	Aye
Member Gunning	Aye	Member Brooks	Aye
Member Allen	Aye	Member Volter	Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

2009 - 3

**AN ORDINANCE AMENDING CHAPTER 150, SECTIONS 150.01 and 150.02 OF THE DAYTON CODE OF ORDINANCES ADOPTING THE KENTUCKY BULDING CODE AND KENTUCKY RESIDENCE CODE.**

This ordinance adopts any amendments to the Kentucky Building Code made to it from time to time applicable to the City of Dayton. Further, it adopts the Kentucky Residence Code along with any amendments made to it from time to time and, in addition, applies the same to single-family and two-family homes. Further, it requires all codes to be kept in the City Cler/Treasurer's office and be made available for public inspection.

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

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**JOHN C. FISCHER**

Motion by Member Boruske, seconded by Member Volter to approve 2009#3 as read.

ROLL CALL:

Member Gunning	Aye	Member Brooks	Aye
Member Allen	Aye	Member Volter	Aye
Member Ashford	Aye	Member Boruske	Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

2009 -4

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF LOCUST AVENUE AND AN UNNAMED ALLEY RUNNING SOUTH FROM LOCUST AVENUE.**

This ordinance closes a small portion of Locust Avenue and an unnamed and unpaved alley running South from Locust Avenue.

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.

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**JOHN C. FISCHER**

Motion by Member Volter, seconded by Member Brooks to approve 2009#4 as read.

ROLL CALL:

Member Allen	Aye	Member Volter	Aye
Member Ashford	Aye	Member Boruske	Aye
Member Brooks	Aye	Member Gunning	Aye

Motion carried—so ordered.

First 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.

WHEREAS, the City of Dayton, Kentucky (the "Issuer"), by virtue of the laws of the Commonwealth of Kentucky, including Chapter 103 of the Kentucky Revised Statutes, as amended (the "Act"), is authorized and empowered among other things (a) to make a loan to assist in defraying the cost of financing or refinancing the acquisition, construction, installation and equipping of an "industrial building", as defined in § 103.200 of the Kentucky Revised Statutes, within the boundaries of the Issuer, (b) to issue and sell its negotiable revenue bonds to provide moneys for such loan and (c) to enact this Ordinance and execute and deliver the agreements and instruments hereinafter identified; and

WHEREAS, pursuant to a Trust Indenture dated as of April 1, 1994 (the "Indenture") between the Issuer and fifth Third Bank, as trustee (the "Original Trustee"), the Issuer heretofore issued its \$2,000,000 Adjustable Rate Industrial Building Revenue Bonds, Series 1994 (Radac Corporation Project) (the "Bonds"), the proceeds of which were used to finance the acquisition, construction, installation and equipping an industrial building project (the "Project") for lease to Radac Corporation (the "Original Tenant") pursuant to an Agreement of Lease dated as April 1, 1994 (the "Lease"); and

WHEREAS, pursuant to an Assignment and Assumption Agreement dated as of September 30, 1997 (the "Assumption Agreement") between the Original Tenant and Second & York Real Estate, L.L.C. (the "Successor Tenant"), as consented and agreed to by the Issuer and Fifth Third Bank, as letter of credit bank (the "Bank"), all right title and interest of the Original Tenant in the Project was conveyed to the Successor Tenant and the Successor Tenant has assumed all of the Original Tenant's obligations under the Lease and the Reimbursement Agreement, the Guaranty Agreement, the Mortgage (each as defined in the Indenture) and the other documents and instruments relating to the Bonds (collectively, the "Bond Documents"); and

WHEREAS, as a result of disruptions in the credit markets, the Bonds have been unable to be remarketed as contemplated by that certain Option and Remarketing Agreement dated as of April 1, 1994 among the Original Tenant, the Original Trustee and Gradison Division of McDonald & Company Securities, Inc. (the "Original Remarketing Agent"); and

WHEREAS, as a consequence of the unanticipated inability to remarket Bonds in the secondary markets, the Bonds are presently being held by the Bank as "Bank Bonds" at annual interest rates higher than originally estimated; and

WHEREAS, based on the foregoing, the Successor Tenant and the Bank desire to effect a restructuring of the terms of the Bonds (the "Plan of Restructuring") to, inter alia, provide for the redemption of a majority of the Bonds, provide for the private placement of remaining Bonds with private investors obtained by the Successor Tenant, terminate the need for a letter of credit to be in place to secure the Bonds and eliminate the need for a trustee for the Bonds; and

WHEREAS, in order to effect the Plan of Restructuring, it will be necessary for the Issuer to execute and deliver amendments to certain provisions of the Bond Documents (collectively, the "Amended Bond Documents"), to allow for assignments and assumptions of certain agreements relating to the Bonds, to authorize the execute and deliver amended Bonds (the "Amended Bonds") to the subsequent purchaser(s)

obtained by the Successor Tenant (the "Replacement Bondholders") and to execute additional instruments as may be necessary in the opinion of bond counsel for the Bonds to adequately secure remaining bondholders and remaining obligations of the Successor Tenant to the Bank;

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

SECTION 1. Determinations of Issuer. The City Council of the Issuer (the "Issuing Authority") hereby confirms its prior determinations that the Project is an "industrial building" as defined in the Act and is consistent with the provisions of §§ 103.200 to 103.285 of the Act.

The Issuer further determines and does hereby confirm that the proposed Plan of Restructuring is consistent with the Act and the purposes for which the Bonds were issued and that the restructuring of the Bonds will not materially or adversely affect the Issuer.

SECTION 2. Approval of Plan of Restructuring. The Issuing Authority hereby approves the Plan of Restructuring described to this Issuing Authority, with such modifications as may be approved by the Mayor of the Issuer and which do not materially and adversely affect the Issuer; provided that in no event shall the final maturity of the Amended Bonds extend beyond the original final maturity date (April 1, 2014) of the Bonds.

SECTION 3. Authorization of Amended Bond Documents and All Other Documents to be Executed by the Issuer. In order to properly secure the payment of the principal of, premium, if any, and interest on the Amended Bonds as the same shall become due and payable in accordance with the Plan of Restructuring, the Mayor and City Clerk are authorized and directed to execute, acknowledge and deliver in the name and on behalf of the Issuer, the Amended Bond Documents in substantially the forms submitted to the Issuer, which are hereby approved, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of such Amended Bond Documents by such officers.

The Mayor and City Clerk are each hereby separately authorized to take any and all actions and to execute such financing statements, assignments, assumptions, certificates and other instruments that may be necessary or appropriate in the opinion of Peck, Shaffer & Williams LLP, as Bond Counsel, in order to effect the implementation of the Plan of Restructuring, the delivery of the Amended Bonds and the intent of this Ordinance. The City Clerk, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the delivery of the Amended Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Amended Bonds.

SECTION 4. Delivery of Amended Bonds; Application of Proceeds. The Mayor and City Clerk are hereby authorized and directed to make on behalf of the Issuer the necessary arrangements to establish the date, location, procedure and conditions for the delivery of the Amended Bonds to the Replacement Bondholders. The Amended Bonds shall mature no later than April 1, 2014, shall bear interest at a fixed rate not to exceed 10% per annum and shall be delivered to the Replacement Bondholder upon payment by the Replacement Bondholder of the purchase price for the Amended Bonds, which amount shall be equal to 100% of the principal amount of the Amended Bonds. The purchase price for the Amended Bonds shall promptly be remitted to the Bank as remarketing proceeds for an equivalent principal amount of Bank Bonds being held by the Bank and subject to the condition that upon remittance of said purchase price to the Bank, no Bank Bonds shall continue to remain outstanding. It is hereby determined that the price for and the terms of the Amended Bonds, and the sale thereof, all as provided in the aforesaid documents, are in the best interests of the Issuer and consistent with all legal requirements.

SECTION 5. Covenants of Issuer. In addition to other covenants of the Issuer in this Ordinance, the Issuer further covenants and agrees as follows:

(a) Payment of Principal, Premium and Interest. The Issuer will, solely from the sources herein or in the Amended Bond Documents provided, pay or cause to be paid the principal of, premium, if any, and interest on each and all Amended Bonds on the dates, at the places and in the manner provided herein, in the Amended Bond Documents and in the Amended Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Amended Bonds, Amended Bond Documents, and in all proceedings of the Issuer pertaining to the Amended Bonds. The Issuer warrants and covenants that it is, and upon delivery of the Amended Bonds will be, duly authorized by the laws of the Commonwealth of Kentucky, including particularly and without limitation the Act, to issue the Amended Bonds and to execute the Amended Bond Documents, and all other documents to be executed by it, to provide for the security for payment of the principal of, premium,

if any, and interest on the Amended Bonds in the manner and to the extent herein and in the Amended Bond Documents set forth; that all actions on its part for the delivery of the Amended Bonds and execution and delivery of the Amended Bond Documents and all other documents to be executed by it in connection with the delivery of the Amended Bonds, have been or will be duly and effectively taken; and that the Amended Bonds will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Ordinance, the Amended Bond Documents and each Amended Bond, and all other documents to be executed by the Issuer in connection with the delivery of the Amended Bonds, is binding upon each officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the Issuer and of its officers and employees undertaken pursuant to such proceedings for the Amended Bonds is established as a duty of the Issuer and of each such officer and employee having authority to perform such duty.

SECTION 6. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, or in any Amended Bond, or in the Amended Bond Documents, or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of any Amended Bond, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of the Amended Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to the owner or any holder of any Amended Bond, or otherwise, of any sum that may remain due and unpaid upon any Amended Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Amended Bond Documents and the delivery of the Amended Bonds.

SECTION 7. No Debt or Tax Pledge. The Amended Bonds do not and shall not constitute an indebtedness of the Issuer within the meaning of the Constitution of the Commonwealth of Kentucky. The Amended Bonds shall be payable solely from the revenues and security interests pledged for their payment as provided in the Amended Bonds, and neither moneys raised by taxation nor any other general or special revenues of the Issuer shall be obligated or pledged for the payment of principal of, premium (if any) or interest on the Amended Bonds.

SECTION 8. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9. Open Meetings Law. This Issuing Authority hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Issuing Authority, and that all deliberations of this Issuing Authority and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 10. Effective Date. This Ordinance shall be in full force and effect from and after its passage, attestation and publication of a summary hereof.

INTRODUCED, SECONDED AND GIVEN FIRST-READING APPROVAL AT A DULY CONVENED MEETING OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, held on May \_\_, 2009.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, held on May \_\_, 2009 on the same occasion signed by the Mayor as evidence of his approval, attested by the City Clerk, ordered and 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

City Att. Fischer said council received his e-mail about this ordinance. City Adm. Redmond will ask the bond attorney to the next council meeting. The payoff is still the same, 2014. On May 19<sup>th</sup> we will have the second reading of this ordinance at 7:00 p.m. and a budget workshop starting at 5:30 p.m.

First Reading:

## CITY OF DAYTON, KENTUCKY

2009 #6

### AN ORDINANCE AMENDING CHAPTER 114, SECTION 114.07 OF THE DAYTON CODE OF ORDINANCES REGULATING TIME AND LOCATION OF YARD SALES.

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

**SECTION ONE:** The Dayton Code of Ordinances Chapter 114, Section 114. 07 is hereby amended as follows:

(A) No person shall conduct a yard sale on any premises other than the premises stated in the permit. ~~No yard sale shall be conducted in a way so as to impede pedestrian or vehicular traffic on any sidewalk, street, or thoroughfare in the city.~~

(B) No yard sale shall be conducted in such a manner that goods or wares for sale are placed in any public sidewalk, street, alley, thoroughfare or right-of-way within the city nor in such a manner as to requires customers or other interested parties to view those goods or wares from any street, alley, thoroughfare or right-of-way within the city.

(C) No yard sale shall be conducted prior to 7:00 a.m.nor after 6:00 p.m.

**SECTION TWO:** 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:**

Mayor Rankle said the yard sale at Sixth & Walnut over the weekend lasted until 10:00 p.m., until they were shut down. We need a starting and ending time for yard sales. Member Boruske said most yard sales are held in the yards, not on the sidewalks. With this ordinance you must maintain a 48" clearance on the sidewalk. Member Boruske would like the ordinance changed to eliminate sales on the sidewalks. Mr. Burns said if you eliminate sales on the sidewalks, what will happen with the city wide yard sale coming up on May 30<sup>th</sup>. The businesses will be using the sidewalks. City Adm. Redmond said it was unreasonable, what the owner of the building at Sixth & Walnut did, and it would be unreasonable for us to enforce something that is small, an exception would be the Main Street Yard Sale. Lila Rogg said her house sits right on the sidewalk. Would she be allowed to go across the street on public property for her sale? Mayor Rankle said yes.

Mayor Rankle thanked Mr. Bill Allen for all his hard work and dedication to the City. Bill Allen recently retired from the Public Works Department. Member Allen presented Bill Allen with a plaque of appreciation from the City. Bill Allen was a very dedicated employee.

## DEPARTMENT HEAD'S REPORT:

James Werner, Police Chief, reported that The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week.

Mayor Kenneth E. Rankle calls upon all citizens of the City of Dayton, Kentucky and upon all patriotic, civic and educational organizations to observe the week of May 10-16, 2009, as Police Week with appropriate ceremonies and observances in which all our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Thanks to the Campbell County Crime Scene who came into the city last night. This group was formed within the last year.

Dennis Lynn, Fire Chief, said everyone should have a copy of his report. The house on Maple, where the recent house fire occurred, will come down soon. The insurance company is working on this. Member Boruske recently had a squad run to his house and thanked the fire department for another fine job, very professional.

Marvin Knobloch, Main Street Manager, said the Fourth Annual Tour of Churches will be Saturday, May 9<sup>th</sup>, from 1-4:00 p.m. The City Wide Yard Sale is Saturday, May 30<sup>th</sup>. Call the city if you wish to participate. City Att. Fischer asked if there will be some type of control along the Avenue where the businesses are having their sales. Marvin said yes, the Main Street Board will be there. Mayor Rankle announced that Marvin will be leaving the first of June. Thanks to Marvin, the Main Street has moved forward. He will be missed.

Bobby Fuller, Supt. Public Works, said he hated to see Bill Allen leave. We've hired a seasonal worker from April – August, Mr. James Donelan. He's a great guy, a good fit.

The city was awarded the Color in our Community Grant again this year. A Welcome to Dayton Sign will be installed on Dayton Pike and there will be a 20x20 planting bed around the sign. Member Volter said when placing the sign, take into consideration the city might get a sidewalk in that area someday.

There was a bad sewer problem at the YMCA this week. If anyone sees any vandalism at or around the YMCA, please call the police. Any help would be great.

Mayor Rankle said the Campbell County Recorder has labeled the City of Dayton as the city with the most home foreclosures. Public Works will be cutting a lot of grass because of this, if the residents can help out and cut grass on vacant property that would be great.

The owner of 142 Fifth Avenue complained about 135, 137, Sixth Avenue and 141 Fifth Avenue. The house behind him is vacant & blighted and he has been cutting the grass. The owners of these homes need to be notified. This will be turned over to Terry Baute, the city's Blight Officer. City Adm. Redmond said the problem with vacant & blighted property is universal. The owner must be notified. Most of the time they won't accept certified mail. Sometimes you have to camp out where they live and wait for them to return so they can be served. Once served, if they don't comply, the city can cut the grass and put a lien on their property. It's very difficult. After they are served notice they must be given seven days to appeal. Then a Code Board Meeting needs to be set up. It could take as long as six weeks from the date of the complaint. City Adm. Redmond said the city has asked for relief from Frankfort. City Att. Fischer asked people to notify their State Legislators Rep. Dennis Keene and Senator, Katie Stine. Let them know this is a problem. Discussion on posting the property. Bellevue and Erlanger currently post the property. City Adm. Redmond said this does not allow us to put a lien on the property. One of us has to swear we followed the law before we can put a lien on the property. Member Volter suggested the city keep a list of people who cut grass. If a property owner needs someone to cut the grass, they can call the city building. Member Brooks worked in the blight department in the past and said sometimes you feel like your spinning your wheels. City Att. Fischer said once the citation is served, we need to cite everyday until the work is completed.

The owner of 373 Dayton Pike would like the city to remove the trees that are tearing up her house. The trees are on a lot next to her house which she thinks the city owns. City Adm. Redmond will see who the owner of the property is tomorrow, and if it's owned by the city it will be taken care of.

#### CORRESPONDENCE:

Thank you from Rhiannon Lynn Guard to Bobby Fuller, Supt. P.W., and the great Officers of the Dayton Police Department for the return of her purse.

#### STANDING COMMITTEE REPORTS:

Finance (Member Volter):  
Budget meeting on May 19<sup>th</sup> at 5:30 p.m.

Public Safety (Member Allen):  
Request from the Dayton Eagles to close Berry Avenue, between Fifth & Sixth Ave., on June 20<sup>th</sup> from 12:00 p.m. until 10:00 p.m. for their third annual pig roast. The homeowners on the street have been notified and are all okay with this. Approved.

Public Works (Member Ashford):  
The park is well cut. Bobby Fuller did a great job.

Park & Real Estate (Member Brooks):  
No report.

Personnel, Law & Printing (Member Gunning):  
No report.

Economic Development (Member Boruske):  
No report.

#### PETITIONS:

Because of ordinance 2009#5 will Radac get another tax liability? City Adm. Redmond said no this is just for restructuring. Payoff is still 2014.

Bill Burns asked about the new city building. Where will it be built? Mayor Rankle said at Sixth & Berry Ave. Our plans are to tear down 701 Sixth Avenue and relocate the Dayton Adult Learning Center and Post Office in the new building. When will you start and does it depend on the Riverfront Project? The city is currently interviewing architects, we hope to break ground soon and we want more than a million dollars for the project. City Adm. Redmond said, as promised from the DCI people back in 2005, C&M, Investments bought out DCI and in the new development agreement the construction contract will be in place before any property is transferred and any bonds can be sold. Mr. Burns said at the last council meeting the sanitation district was in attendance and said they will be raising their prices 15%. Mr. Burns feels this is terrible, we should all be upset and send letters. City Att. Fischer said the sanitation board is appointed by the County Judge Executive. You need to express your concerns to him.

City Adm. Redmond said in this year's budget he'll have to ask everyone to accept less, because there is less. Dayton has the highest number (95) of foreclosures in Northern Kentucky. The sanitation district is publicly owed; I would hope the good people of the Sanitation District would look at this. Our public works department recently spent two days at the YMCA cleaning out the sewer. It was filled with 20 soda bottles, debris, footballs, etc. It flooded the entire YMCA. But our people went down 7' deep 48" wide and cleaned out the sewer and fixed the sewer. Public Works did a very professional job.

#### UNFINISHED BUSINESS:

City Att. Fischer said a letter went out to the city from Jack Snodgrass, County Clerk, to appoint a committee to regulate county wide election signs. City Att. Fischer is on the board but did not vote for this letter to go out. Our city already has something in place about putting signs on the right a way. They want to regulate when, where and how long. Member Boruske said we don't have any problem in Dayton. Member Volter will volunteer to be on the board.

Tuesday, May 12<sup>th</sup>, 5:00 -7:00 informal meeting about the 471 Ky 8 Interchange exit. In the new booklet only Covington, Newport and Bellevue have their population listed. They did not list Dayton's population. Be looking for advertisement about the next public meeting and go and speak your peace.

Daniel Nebel, 308 Fourth Ave., asked where the Tiff District is located. City Adm. Redmond said 142 acres on the river, center line of Third Ave.- North side. In the minutes of October 7<sup>th</sup> it says the development area is the entire section North of this Route including Berry Avenue. City Adm. Redmond said the North side of Third Avenue is actually in the Tiff District. The horseshoe on Berry

Avenue, the YMCA and the New City Building. There will be an overpass over the flood levee on Berry.

Wednesday is garbage day. You can put your garbage out 24 hours before or 24 hours after, if it's out too early or too long you will be cited.

There will be a ceremony for armed forces day Saturday, May 16, 2:00 p.m. at the monument.

**EXECUTIVE SESSION:**

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 © discussions of proposed or pending litigation against or on behalf of the public agency (j) meetings with federal or state law specifically required to be conducted in privacy. Motion by Member Allen, seconded by Member Brooks to go into executive session. Motion carried—so ordered.

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

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

Respectfully submitted,

Donna Leger  
Clerk/Treas.

**ATTEST:**

Kenneth E. Rankle  
Mayor