

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

August 20, 2008

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, August 20, 2008 at 5:30 p.m. at the fiscal court offices, 24 West Fourth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
KENNETH L. RECHTIN
DAVE OTTO
MARK T. HAYDEN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Jim Seibert	Director of Fiscal Affairs
Colonel Keith Hill	Chief of Police
Ken Knipper	Director of OEM
Jim Luersen	Assistant County Attorney
Ben Adams	Administrative Intern
Scott Wartman	<i>Cincinnati Enquirer</i>
Chris Mayhew	<i>Campbell County Recorder</i>
Lynn Farris	Acting Fiscal Court Clerk

A public hearing was held prior to the fiscal court meeting for the purpose of obtaining comments from the public regarding the proposed tax rate and for the purpose of introducing an ordinance to set the tax rates. Mr. Jim Seibert, Director of Fiscal Affairs, opened the public hearing at 5:15 p.m. He noted that the tax rate levied last year was 11.20 cents per \$100 of assessed value and was estimated to produce revenues in the amount of \$5,427,730. This year's compensating rate is 11.20 cents and is estimated to produce revenues in the amount of \$5,722,718. The fiscal court proposes a tax rate of 12.20 cents per \$100 of assessed value, which would produce a total of \$6,233,675 in revenues. Mr. Seibert asked for comments or questions from the public. There being none, Mr. Seibert closed the public hearing at 5:18 p.m.

At 5:30 p.m., the regular meeting of the Fiscal Court was called to order by Judge Pendery.

Judge Pendery called for a moment of silence followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes of the Mayors' Meeting of July 22, 2008 along with the fiscal court meeting of August 6, 2008, were presented by Judge Pendery. Motion was made by Commissioner Rehtin and seconded by Commissioner Hayden to approve both sets of minutes as prepared by clerk. All voted "AYE" and the motion passed unanimously.

Judge Pendery then invited the guests to speak. Mr. Jim Parsons and Mr. Jim Kersting representing DCI Properties – DKY, LLC (Developer) were present to update the court on the Manhattan Harbour Project. This project is a huge development of over 130 acres along the riverfront in Dayton. It will be a residential and commercial district, offering a variety of housing choices. Mr. Parsons had hand-outs for the court members. The project contemplates raising the area in front of the Dayton flood levee above the 100-year flood level to create development space and will create a new east-west connector along the levee and a new connector to Route 8 along Berry Avenue. A significant amount of space will be developed as green space and walking trails. It is estimated that when fully developed, the taxable assessed value of this project will be in excess of \$800,000,000.

Mr. Parsons added that the City of Dayton Planning & Zoning Commission had approved these plans. He also noted that the marina at this site had declined over time and they plan on taking advantage of the marina, rejuvenating it and using it as an anchor for the eastern end of this development. Mr. Parsons stated it will be an upscale, mixed use development area.

Mr. Kersting added that there will be an 84" sanitary sewer line. It will be a holding tank for 2.2 million gallons of water. Sanitation District #1 has made a strong contribution to this project.

A question and answer session followed Mr. Parsons' presentation. Mr. Parsons stated he would keep the fiscal court updated as to the progress of this development.

Next to address the court was Mr. Krieg of Nine Mile Road in Melbourne, Kentucky. He stated that on August 2nd, the music from the river camps in Ross was very loud. He called the police and was told the music would shut down at 11:00 PM. Mr. Krieg stated this never happened. He said the music was so loud, you couldn't carry on a conversation on his porch. Even with the doors and windows shut, it was still loud. Mr. Krieg said he called and complained every half hour. At a later date, he had a conversation with the chief and assistant chief. He was told it was very difficult to enforce loud music complaints in the county. Mr. Krieg would like some kind of ordinance so the police can enforce it. Chief Hill stated there is no county ordinance for nuisances, other than barking dog complaints. State law has a law regarding disorderly conduct, but it has to be an intentional annoyance. Chief Hill added that the courts in Campbell County have found that noise between the hours of 8 AM and 11 PM or midnight is not to be considered under the disorderly conduct statute, unless it is offensive. This loud noise is certainly offensive to Mr., Krieg, but the courts will not consider an Elvis impersonator as offensive noise. The police department's practice in the past has been to talk to the offenders and ask them to shut down at 11:00 PM or 11:30 PM. Mr. Krieg asked how loud the music has to be when an audience is right in front of them. He stated the officer made no adjustment to the noise. Judge Pendery stated the court would look into this matter.

There was no Old Business for consideration.

New Business was presented to the court. Mrs. Williams presented Ordinance O-6-08 for first reading. The Ordinance was read by title and a summary given. It adopts Supplement 2008 S-17 to the Code of Ordinances that covers ordinances that were adopted from July 1, 2007 through December 31, 2007. Mrs. Williams stated that no action was necessary at this meeting. The Ordinance will be voted on at the next Fiscal Court meeting at its second reading.

Next on the agenda, Judge Pendery made a motion to reappoint Donald Grosenbach and appoint Judy Voelker to the Campbell County Library Board of Trustees. These are 4-year terms, effective October 1, 2008 through September 30, 2012. The motion was seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously.

Upon the conclusion of New Business, Judge Pendery requested reports from staff. Mr. Horine, County Administrator, presented Resolution R-89-08. It was read by title and a summary given. This Resolution accepts the bid of JPS Construction Company for improvements to Kramer Drive and Charlotte Drive, subject to receipt of funding commitments from property owners. Mr. Horine stated that all 28 property owners indicated their agreement to pay the cost of these improvements. Including the engineering costs, the total for this project is \$334,080. 23 property owners have already completed the paperwork. We are awaiting the signed paperwork for the other five. Mr. Horine stated that JPS Construction Company will not be given the okay to proceed until all 28 commitments were received. Commissioner Rehtin made a motion to approve R-89-08, seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously. Commissioner Hayden congratulated staff on getting this issue resolved.

Next on the agenda, Mr. Horine presented Resolution R-88-08 for the court's consideration. It was read by title and a summary given. This Resolution authorizes legal counsel for the Kentucky County Judge Executive Association to include Campbell County Fiscal Court in a lawsuit against the Commonwealth of Kentucky on the issue of credit for time served in County Jail. Commissioner Rehtin stated he thought this was a futile effort and a waste of valuable time. Commissioner Otto stated he hoped this would force all parties to come to a solution. Commissioner Hayden added he was tired of unfunded mandates from the state. After a short discussion, Commissioner Hayden made a motion to approve R-88-08, seconded by Commissioner Otto. Commissioner Rehtin voted not to approve this resolution. Judge Pendery voted to authorize R-88-08. By majority vote (3-1), this resolution passed.

Resolution R-90-08 was presented to the court. It was read by title and a summary given. This Resolution expresses support for a change in the State Health Plan allowing licensed nursing home beds to be transferred to another County provided that a new nursing home facility is constructed in Campbell County, no later than 2010. Commissioner Rehtin made a motion to approve R-90-08, seconded by Commissioner Hayden. All voted "AYE" and the motion passed unanimously.

Resolution R-91-08 was presented to the court. It was read by title and a summary given. This Resolution will authorize payment of claims payable from the Community Development Block Grant for the Campbell County Homebuyer Program. The Newport Millennium Housing Corporation had previously closed on the sale of five homes and now they have closed on the sale of an additional home and request the release of funds for a mortgage. Commissioner

Rechtin made a motion to approve R-91-08, seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously.

Jim Luersen from the County Attorney's office had no report.

Under Commissioners' Reports, Commissioner Rechtin mentioned the "greening of businesses" to help the environment. He asked that staff look into this issue. Commissioner Otto stated that his company recycles regularly. Commissioner Hayden mentioned possibly scanning the entire kit for each meeting onto an internet site.

Judge Pendery reminded everyone that on Friday, August 22, 2008, at 2:00 PM at A.J. Jolly Park, the Campbell County Fiscal Court and the Conservation District Farmland Work Group are sponsoring Kentucky's media launch for Adventure Tourism for the Northern Kentucky River Region. The lieutenant governor and first lady are scheduled to attend.

Next, he mentioned that the Alexandria Fair starts on Wednesday, August 27th with a parade at 7 PM. The fair runs through Labor Day, September 1st. All fiscal court members are scheduled to walk in the parade.

Judge Pendery mentioned a conflict with the regular meeting date of the third Wednesday in September. Commissioner Rechtin made a motion to change the date of the regular fiscal court meeting from September 17, 2008 at 5:30 PM to Tuesday, September 16, 2008 at 5:30 PM. Location will be the same, fiscal court conference room. This change of date is necessary because the Senior Picnic is scheduled for September 17th. Commissioner Otto seconded the motion. All voted "AYE" and the motion passed unanimously.

Jim Seibert, Fiscal Director, then gave his report to the court. He asked for a motion to authorize staff to bid out the construction of a storage building for the Campbell County Recreation Department. Commissioner Rechtin made a motion to authorize said bids, seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously.

Next on the agenda for the court's consideration was Ordinance O-5-08 for first reading. It was read by title and a summary given. As previously mentioned in the public hearing prior to the meeting, this Ordinance adopts the 2008 tax rates for Campbell County. The fiscal court proposes a tax rate of 12.20 cents per \$100 of assessed value, which would produce a total of \$6,233,675 in revenues. Revenue expected from new property is \$84,369; revenue expected from personal property is \$537,405; revenue expected from motor vehicles is \$646,655 and revenue expected from watercraft is \$10,871. Judge Pendery recommends the county take the 4%. Considering the inflation rate is 5.6% this year, according to the Consumer Price Index, we are still losing a little ground. The other issue is the fiscal court is now responsible for paying the housing costs of the clerk, sheriff & PVA, by virtue of a new law from the last legislative session. The funding mechanism that paid for the space for these offices was eliminated.

Commissioner Hayden stated his view is that before the law was changed, the courthouse commission had an obligation under the law to house certain constitutional offices. There is no longer funding for the courthouse commission and it is another unfunded mandate for fiscal

court. The property tax is the fairest way to spread the cost throughout the entire county. The court is not taking more than what would have been funded anyway.

Commissioner Otto added that when the county collects the taxes, the county is responsible for the way the money is spent. Before, the tax was collected by the courthouse commission. Citizens can check at any time to see how the money is being spent by the fiscal court.

Next on the court's agenda was a motion to authorize the purchase of a 2009 Ford one-ton truck for \$27,000 from the Kentucky State Contract for the Road Department. Commissioner Rehtin made a motion to approve this motion, seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously.

Commissioner Rehtin added that the county's new AA-3 rating is very important and an exceptional rating for Campbell County. Mr. Horine added that the interest rate is 4.09% for twenty years.

Ordinance O-7-08 was next on the agenda for first reading. Mr. Seibert read O-7-08 by title and gave a summary. This is a budget amendment ordinance so the money will be in place for the Kramer/Charlotte Drive project to pay the road construction costs. No action is required at this time for Ordinance O-7-08.

Mr. Seibert next requested a motion to approve the Claims for August 20, 2008. Mr. Luersen advised that County Attorney Verst had reviewed the claims and had no problems. Commissioner Otto made a motion to approve the claims, seconded by Commissioner Hayden. All voted "AYE" and the motion passed unanimously. Commissioner Rehtin asked about the rental of parking spaces at the old Thriftway location. Mr. Horine stated that this site will be rented as long as district court remains on Columbia Street. The property is being leased using the court fee money. The funds are not coming out of the general fund. Chief Hill added the police cruisers park there very frequently.

There being no further business to come before the Court, motion was made by Commissioner Otto and seconded by Commissioner Rehtin to adjourn the meeting. The meeting was adjourned at 7:10 P.M.

Attachments:

- Resolution R-89-08 Accepts Bid of JPS Construction for Kramer & Charlotte Drives
- Resolution R-88-08 Authorizes Law Suit against Commonwealth of Kentucky (Jail)
- Resolution R-90-08 Expresses Support for Change in Plan for Nursing Home Beds
- Resolution R-91-08 Authorizes Payment of Claims from Community Development Block Grant for Campbell County Homebuyer Program

Claims: August 20, 2008

APPROVED:

STEVE PENDERY
Campbell County Judge/Executive

ATTEST:

LYNN FARRIS
Acting Fiscal Court Clerk