

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

May 21, 2009

A special meeting of the Campbell County Fiscal Court was held on Thursday, May 21, 2009, at 4:30 p.m. at the Fiscal Court Offices, 24 West Fourth Street, Newport, Kentucky 41071.

In attendance at the meeting were:

**COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY**

**COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN**

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Jim Seibert	Director of Fiscal Affairs
James A. Daley	County Attorney
Col. Keith Hill	Chief, Campbell County Police Department
Paula Spicer	Fiscal Court Clerk
Pat Dressman	Director of Human Services
Greg Buckler	Campbell County Jailer
William Turner	Director of Office of Emergency Management

The meeting was called to order at 4:30 p.m. by Judge Pendery.

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

Minutes from the regular Fiscal Court Meeting held on May 6, 2009 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin, to approve the minutes. All voted "AYE" and the motion passed unanimously.

There were no guests scheduled to speak, so Judge Pendery opened the floor for comment. J. R. Roth, League of Kentucky Property Owners, advised that on Tuesday he attended a presentation by Sanitation District No. 1 regarding the future of our consent decree. He stated that the \$300 per month payment that they will require in 2021 will place a great economic hardship on citizens; they are projecting a 15% increase for the next five years. He doesn't understand how the government can let this happen. Mr. Roth described some of the requirements to be included in the consent decree that will go into the next 5-year plan. He asked if the new Fiscal Court

building will be similar to the new St. E building in Covington where they'll have a green roof, green gardens and the ecological stuff that the Sanitation District is promoting, or is the Fiscal Court building just going to be standard. Mr. Roth pointed out that the two parking meters in front of the Fiscal Court building have a 20 minute limit. Judge Pendery stated that the City of Newport sets the parking meters, and Mr. Roth is welcome to park in the parking lot at the rear of the building. Judge Pendery stated that sanitation bills of \$300 per month in 2020 seems almost speculative at this point. He agreed that there is a 15% rate increase this year which will produce about 6% more revenue because it is being applied against reduced amounts of water. They are going to a new billing system where the winter months will be used as indicative of water usage. During the winter months people generally use less water than other times of the year. Therefore with lower consumption reported, even with the 15% increase in rates, the Sanitation District will only realize a 6% increase in revenue. He stated that it is true that the forecast is 15% increases for about the next five years, but it would be worse if they were not using some green solutions to comply with the federal consent decree. Judge Pendery stated that the Sanitation District has received national recognition for their innovative approach to complying with the consent decree. He stated that there are some green features used in the construction of the new Fiscal Court building. Robert Horine stated that the infrastructure was already in place at the new building site to handle storm water run-off. He advised that there is substantial green space in the parking area and some landscaped areas in front of the building to absorb some storm water run-off. Commissioner Otto pointed out that the Cities of Pittsburgh and Atlanta are facing big increases in sanitation costs right now. Judge Pendery stated that the solution to this situation is at the federal level – either a change in federal law or regulations.

Old Business was next on the agenda with three ordinances ready for second readings. Melissa Williams presented Ordinance O-02-09 for second reading and passage consideration. It was read by title and summary given by title. O-02-09 adopts the 2007 edition of The Kentucky Residential Code, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in Campbell County providing for the issuance of permits and collection of fees therefore when used with money; repealing Ordinance No. O-8-88 of the Campbell County Fiscal Court and all other ordinances and parts of the ordinances in conflict therewith. Ms. Williams stated that this is part of a two-step process in connection with the County's request to the State for additional jurisdiction. Commissioner Rehtin made a motion to adopt O-02-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

O-03-09 adopts the Uniform Statewide Building Code as promulgated in 815 KAR 7:120 and 815 KAR 7:125 by the Board of Housing, Buildings and Construction of the Commonwealth of Kentucky. Commissioner Rehtin made a motion to adopt O-03-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

O-04-09 amends Campbell County Ordinance O-19-87 as amended and last amended by Ordinance O-16-06, relating to the Campbell County Detention Center Policy and Procedure Manual, Chapter Two, relating to vacation and holidays. Greg Buckler recommended these changes which affect only Detention Center employees. Judge Pendery made a motion to adopt O-04-09, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Ms. Williams then presented New Business beginning with Resolution R-65-09 which was read by title and summary given. R-65-09 allocates Senior Citizens' Tax Funds for medical transportation for the remainder of FY 2009. The amount of funds to be allocated will not exceed \$10,000. Commissioner Rehtin made a motion to adopt R-65-09, seconded by Judge Pendery. All voted "AYE" and the motion passed. Pat Dressman advised that the transition to using Senior Services for medical transportation went very smoothly.

Resolution R-66-09 was read by title and summary given. R-66-09 authorizes payment of a claim payable from the Community Development Block Grant for the Campbell County Homebuyer Program. This is for the sale of 717 Liberty Street, Newport, Kentucky, bringing the total to 20 homes that have been sold through this program. Commissioner Otto made a motion to adopt R-66-09, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-69-09 was read by title and summary given. R-69-09 authorizes the Judge/Executive to accept grant funds from the Kentucky Department of Agriculture's Animal Control Advisory Board to be used to spay and neuter dogs and cats adopted from the Campbell County Animal Shelter. Campbell County received \$1,500 to continue its spay/neuter program. Commissioner Rehtin made a motion to adopt R-69-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-70-09 was read by title and summary given. R-70-09 authorizes the submission of an application by the Campbell County Police Department for a "Secure Our Schools COPS Grant" in the amount of \$16,150.62 to purchase safety equipment for the Northern Kentucky Cooperative for Education Program. Campbell County has an officer in this program right now. The Fiscal Court provides a vehicle and uniform for the officer, and the school provides the rest of the funding for the position. Only police departments were able to apply for this grant, and if the grant is awarded, the Northern Kentucky Cooperative for Education Program will provide any matching funds. Commissioner Otto made a motion to adopt R-70-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Ms. Williams requested a motion to appoint the following part-time employees at the A. J. Jolly Golf Course Clubhouse effective June 1, 2009: Lisa Jolly as Clubhouse Concession Manager, and Kristina Mason, Lacy Jolly, Barbara Martin, Mary Baker and Jessica Baumann as Clubhouse Concession Workers. Motion was made by Judge Pendery, Seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to appoint Barbara Weber to the Campbell County Board of Assessment Appeals for a three year term effective June 5, 2009 through June 4, 2012. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Carla Austin to the Northern Kentucky Area Development District Council on Aging for a two year term effective July 1, 2009 through June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to reappoint Ray Kremer to the Northern Kentucky Area Development District Council on Aging for a two year term effective July 1, 2009 through June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to rescind the appointment of Pat Dressman as alternate designee for Steve Pendery, Judge/Executive, on the Northern Kentucky Independent Health District Board effective June 30, 2009, and to appoint Dr. Stephen W. Hiltz to serve as the County Judge/Executive's alternate designee effective July 1, 2009. Judge Pendery explained that there is a rotation among the counties that are contributors to the District Health Board, and it is Grant County's turn however their representative needs to resign, and the replacement would not have sufficient experience to act as chairman. Campbell County is next in line and Pat Dressman would be great for chairman, so to accomplish that she will be removed as his designee and appointed as a member to the Board. Therefore, it was further requested to appoint Pat Dressman to the Northern Kentucky Independent Health Board for a two year term effective July 1, 2009 through June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine then presented his report beginning with Resolution R-71-09 which was read by title and summary given. R-71-09 accepts the bid of TMS Construction, Inc. for construction of a parking lot. Mr. Horine advised that bids were opened on May 12, 2009 for construction of a parking lot at 10th and Saratoga and 10th and Monmouth Streets. Staff advertised for both asphalt and concrete pavement, and four bids for each were received. Cardinal Engineering recommended accepting the low bid of TMS for concrete in the amount of \$72,732.05. This bid is about \$9,000 more than the low bid for asphalt, however the engineer recommends it because it is more cost effective in the long run and requires less maintenance. He stated that the bids came in well below the estimate. Commissioner Rehtin made a motion to adopt R-71-09, seconded by Commissioner Otto. Commissioner Hayden stated that the letter from the engineer indicates that concrete pavement has a longer lifespan than asphalt, and if installed properly has up to a 40-50 year lifespan, while asphalt typically lasts only 5-10 years, making it a wise decision to chose concrete. Commissioner Rehtin acknowledged that J. R. Roth suggested that they advertise for concrete as well as asphalt. All voted "AYE" and the motion passed.

Resolution R-72-09 was read by title and summary given. R-72-09 accepts the bid of Harp Enterprises for paper ballot scanning systems. Mr. Horine explained that this bid is for the new voting machines with the cost per machine at \$4,500, for a total of \$306,000 for 68 machines. The Federal government will pay for 66 machines for Campbell County precincts, and the County has chosen to purchase two extra machines which will cost the County \$9,000. Commissioner Rehtin made a motion to adopt R-72-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Mr. Horine reported on the Federal Stimulus Program. He advised that the focus lately has been on the \$352,000 in Energy Efficiency Stimulus Funds allocated to Campbell County. The County has engaged Ameresco to conduct an energy audit of all County facilities to identify opportunities to improve energy efficiency thus reducing utility costs. Ameresco will begin its survey of all County buildings on May 28, submit a report on its findings, which report will be

used to make recommendations to the Fiscal Court on how to use the \$352,000. June 25, 2009 is the deadline for requests to the federal government.

Commissioner Rehtin stated that Griffin Industries' new facility is spectacular; they deserve a commendation for their investment in the community. They are truly a "green" company.

Judge Pendery announced that on May 28, 2009 at 4:30 p.m. there will be a groundbreaking at Northern Kentucky University for its new Center for Informatics. There are only about 12 such institutions in the country. This Center is a great recruiting and marketing tool for the University, not only to attract students, but also to attract businesses to the area.

Judge Pendery announced that Campbell County Fiscal Court won a resounding victory in the Nolan lawsuit. Unfortunately, any time that the County is sued, the taxpayers ultimately pay the bills for legal services. He stated that he was disappointed in some statements contained in a newspaper article which were bald misstatements of the facts of the case.

Jim Siebert explained the reverse auction process through which they received bids for road salt. He requested a motion to accept the bid of Cargill for road salt at \$65.67 per ton. In the event that Cargill is low on supply, they will then make purchases from North American Salt at \$66.67 per ton. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Ordinance O-05-09 was presented for first reading by title and summary given. O-05-09 relates to the annual budget and appropriations of Campbell County, Kentucky for the fiscal year 2009-2010 (FY10). Mr. Siebert explained that this budget is a result of weeks and even months of work by staff, and numerous discussion meetings. He stated that they will be looking at the budget monthly to determine whether certain purchases can be made depending on revenues at the time; right now, revenues are not what they hoped. Commissioner Hayden stated that it is important to note that there are some capital expenditures in the budget that may never be made depending on the monthly review and revenues. Judge Pendery stated that the original budget reflects projections that may or may not materialize, but they usually seem to beat the projected budget in the sense that they have better revenues or expenses are adjusted. It will be difficult to accomplish that this year, and will require daily monitoring. Commissioner Rehtin stated that he has serious challenges with this budget; the income projections are extremely optimistic. Increases in property tax, payroll tax and insurance premium tax are all challenging. There is no revenue stream to compensate for the occupancy costs of moving into the new building. He stated that pension costs and health insurance costs have both increased. The increased health insurance costs will be passed on to employees, while there are no scheduled pay raises except those obligated by contract. He stated that in the next couple of weeks before voting on the budget, he'd like to somehow make an accommodation on that. Judge Pendery stated that he agrees on all of those points. He stated that employee salary and benefits are the majority of the County's expenditures, and with a bleak revenue forecast it must be addressed in part by working on salary and benefits. A couple of things make the suggested course a little more acceptable, one being that the Consumer Price Index last year has declined for the first time since the early 1950's, suggesting no increase in inflation. He stated that they are trying to hold the line on insurance expenditures. He hopes that people realize that they have enjoyed a generous benefit

over the last couple of years, and despite changes, may be more generous than other employers offer. They will be asking for advice and comments on the insurance issues at tomorrow's directors' meeting. Commissioner Rehtin stated that new employees are eligible for coverage after 30 days of service which is unusual in today's marketplace. Extending that to 6 or 12 months for eligibility would not be an unreasonable option. He also challenged each director to look for ways to save on expenses. Commissioner Hayden stated that staff and people are more important than capital expenditures, so he feels it is important to be careful with capital expenditures. Although salary freezes can be painful, most people would rather have a job; many companies are laying-off a substantial number of employees and making substantial reductions in compensation. He agrees that they need to keep a watch on the budget, be careful about capital expenditures, and more importantly hold onto reserve amounts as best they can. Judge Penderly stated that from all of the communities that he's heard from, they are either freezing or cutting salaries and/or benefits. Many communities are facing actual reductions in revenues. Commissioner Otto suggested getting jail beds filled by pursuing contact with Hamilton County to house their inmates.

Resolution R-67-09 was read by title and summary given. R-67-09 authorizes renewal of a contract with the Kentucky Association of Counties All Lines Fund for property and liability insurance coverage effective July 1, 2009 through June 30, 2010. Mr. Seibert advised that the cost is \$343,579.00. Commissioner Otto made motion to adopt R-67-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-68-09 was read by title and summary given. R-68-09 authorizes renewal of a contract with the Kentucky Association of Counties for Workers' Compensation insurance coverage effective July 1, 2009 through June 30, 2010. The annual cost for this coverage is \$249,936.00. Commissioner Otto made a motion to adopt R-68-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested for a standing order to pre-approve certain recurring expenses during fiscal year 2010. Motion was made by Commissioner Rehtin, seconded by Judge Penderly. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims and supplemental claim as presented for May 21, 2009. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rehtin made a motion to adjourn, seconded by Judge Penderly. All voted "AYE" and the meeting adjourned at 5:35 p.m.

Attachments:

- Ordinance O-02-09 Adopt the 2007 Kentucky Residential Code
- Ordinance O-03-09 Adopt the Uniform Statewide Building Code
- Ordinance O-04-09 Amend Campbell County Jail Policy & Procedure Manual

Resolution R-65-09 Allocate Senior Citizen Tax Funds for Medical Transportation
Resolution R-66-09 Homebuyer Program Payment
Resolution R-69-09 Accept Spay/Neuter Grant Funds
Resolution R-70-09 Authorize Application for "Secure Our Cops COPS Grant"
Resolution R-71-09 Accept Bid of TMS Construction - Parking Lot Construction
Resolution R-72-09 Accept Bid of Harp Enterprises - Paper Ballot Scanning System
Ordinance O-05-09 Adopt FY2010 Budget
Resolution R-67-09 Renew Contract – Property & Liability Insurance Coverage
Resolution R-68-09 Renew Contract – Worker’s Compensation Coverage

Claims and Supplemental Claim of May 21, 2009

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk