

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

July 7, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, July 7, 2010, at 7:00 p.m. at the Campbell County Courthouse, 8352 E. Main Street, Alexandria, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 6:45 p.m. for the purpose of receiving public comments on the proposed issuance of an Entertainment Permit for Sheila Beatty d/b/a One More Bar, located at 6680 Licking Pike, Cold Spring, Kentucky.

Present at the hearing were:

Steve Pendery, Campbell County Judge Executive
David Otto, County Commissioner
Kenneth Rehtin, County Commissioner
James Daley, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
Jim Seibert, Director of Fiscal Affairs
Colonel Keith Hill, Campbell County Police Department

James Daley, County Attorney, opened the public hearing on the application of Sheila Beatty for an Entertainment Permit for One More Bar. Ms. Beatty was present. Mr. Daley explained that Ms. Beatty and another woman had the bar licensed about a year ago and now Ms. Beatty seeks to license the bar in her name only. The Campbell County Police Department investigated the owner and the bar, finding that there was one employee with an alcohol-related offense. The County Attorney recommends that the Permit be granted. Mr. Daley asked if there were any questions, there being none, the public hearing was closed at 6:48 p.m.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH REHTIN

James Daley, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
Jim Seibert, Director of Fiscal Affairs
Colonel Keith Hill, Campbell County Police Department
David Plummer, Solid Waste Coordinator

Lisa Bowman, Animal Shelter Director

The meeting was called to order at 7:00 p.m. by Judge Pendery.

Judge Pendery asked for a moment of silence recalling the recent deaths of Army Specialist Russell Madden of Bellevue, and Bruce Collins former Lieutenant of the Campbell County Police Department. The Pledge of Allegiance followed. After roll call, a quorum was declared present. Commissioner Mark Hayden was absent. Cable Access was present to film the meeting.

Minutes from the regular Fiscal Court meeting held on June 16, 2010 and the special Fiscal Court meeting held on June 30, 2010 were presented by Judge Pendery. Motion was made by Commissioner Otto, seconded by Judge Pendery to approve the minutes. Commissioner Otto and Judge Pendery voted "AYE" and the motion passed. Commissioner Rehtin did not participate since he was absent from the June 30, 2010 meeting.

Don Sorrell, Campbell County Extension Agent, addressed the Fiscal Court regarding the Campbell County Backroads Farm Tour scheduled for July 17, 2010 from 9:00 a.m. to 5:00 p.m. Seventeen farms, including three wineries are participating in the Tour this year. He stated that visitors should get a flier which has a map of all participating locations and also lists restroom facilities and locations which have food for sale. Mr. Sorrell then talked about the Campbell County Beef Association Freezer Beef Sale. This program allows people to purchase beef raised without antibiotics or added hormones from local farmers. The beef is processed in a USDA approved facility, and inspected by the USDA and Kentucky Department of Agriculture. There are various sizes of packages available.

Judge Pendery then invited comments from the audience.

Jennifer Mason, Campbell County resident, stated that the Fiscal Court has an opportunity to pass a comprehensive smoke-free ordinance in Campbell County. Over the past five years Ms. Mason has participated in Relays for Life and gathered signatures, and she believes that the time has come for passage of an ordinance; the public has been educated enough about health issues related to second-hand smoke.

JR Roth, resident, asked what the pay is for Grade 15L. Melissa Williams stated that there is a chart of salaries and 15L is one level on that chart. Judge Pendery stated that various jobs have different pay classifications with advances in step and grade. The pay grade is dependent on the job performed and other requirements. There are steps to be taken when a person is in a job over the course of years. Mr. Roth stated that he noticed that the starting wage for the Human Services Manager position is \$35/hour which he thought was high considering that the police officer makes \$20/hour. He further stated that this is an additional employee that was not included in the budget. Judge Pendery stated that they would explain this issue later, however he stated that one of the County's Directors resigned earlier in the year in order to run for public office in another county. This person did not win the election, and it would be beneficial for the County to have a person of this quality hired back on a part time basis at a considerable savings to the County. Robert Horine stated that as a part time employee this person is not eligible to participate in the retirement system, in addition, any person retiring after September 2008 is not

eligible to earn a second retirement in Kentucky. The only cost to the County to hire this individual is the hourly pay, there are no benefits or participation in the retirement system.

Mr. Roth, referring to the comments of Ms. Mason about cancer, stated that he is a cancer patient. His cancer is caused from the fat of the beef. Studies in Japan have shown that prime rib is a major contributor to cancer; it is not necessarily smoking. He stated that the free market system is working, there are several places that are smoke free.

Jason Cox, lifelong Campbell County resident, is in support of a smoke free ordinance. Referring to Mr. Roth's comments about smoking and the free market system, he stated that second hand smoke is in the air and a person doesn't have a choice whether to breathe it or not; it does have an affect on people. Mr. Cox stated that he is asthmatic and smoking is a significant issue for him. He stated that there are often people smoking around the entrances of medical facilities which could worsen the medical condition of people like him who may be entering the facility to seek treatment. Mr. Cox would like to see a punitive fine for individuals smoking outside of medical facilities, and would like to see smoking banned completely.

Linda Pfister, resident, stated that she has asthma and understands the previous comments, however she does not agree with banning smoking. She stated that citizens of the United States are gradually losing their freedoms. She patronizes places that do not allow smoking and that is her choice. She does not see the sense in banning smoking since that is the source of some revenues. If a person wishes to smoke, that is their choice.

Old Business was presented by Melissa Williams beginning with a second reading of Ordinance O-07-10 which was read by title and summary given. O-07-10 discontinues Bob Huber Drive, County Road #1246 located off of US 27 in unincorporated Campbell County, Kentucky, which has now been replaced with the reconstruction of US 27 pursuant to KRS 178.070, including right-of-way owned by the Campbell County Economic Progress Authority (CCEPA) and identified in PIDN 999-99-35-473.00, and authorizing the necessary legal action as to such. Ms. Williams explained that the required public hearing to close this road was held on June 16, 2010 to allow for public input and for the report of the "viewers". It was recommended that the road be discontinued since it no longer exists. Commissioner Rehtin made a motion to adopt O-07-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

New Business was presented next. Resolution R-87-10 was read by title and summary given. R-87-10 authorizes the Judge/Executive to make application for and, upon approval, to enter into an Agreement with the Kentucky Office of Homeland Security (KOHS), to execute any documents which are deemed necessary to KOHS to facilitate and administer the project and to act as the authorized correspondent for this project. The application is for a grant in the amount of \$6,000 to purchase eight ballistic vests for the Police Department. The total cost of the vests is \$6,519.84 and the matching funds have been budgeted. Commissioner Rehtin made a motion to adopt R-87-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-88-10 was read by title and summary given. R-88-10 adopts and approves the execution of a Rural Secondary Program Agreement between the Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid,

and accepting all roads and streets referred to therein as being a part of the county Road System. Ms. Williams explained that this grant is in the amount of \$81,100 and will be used for the construction of a bridge and approaches on Visalia Road (County Road 1235). This is an 80/20 matching grant and the County agrees to pay all costs associated with this project over the \$81,100. Commissioner Rehtin made a motion to adopt R-88-10, seconded by Commissioner Otto. Commissioner Rehtin stated that the existing bridge is very narrow, but he understands that the new one will be wider by about three feet. All voted "AYE" and the motion passed.

Resolution R-85-10 was read by title and summary given. R-85-10 authorizes the Judge/Executive to apply for grant funds from the Department of Agriculture's Animal Control Advisory Board to pay for a proposed expansion of the current animal shelter facility. This grant application is in the amount of \$250,000; the 20% matching funds will come from donations to the animal shelter. Commissioner Rehtin made a motion to adopt R-85-10, seconded by Commissioner Otto. Commissioner Rehtin asked Lisa Bowman, Animal Shelter Director, to talk about what the animal shelter does and how it compares to other shelters in the region. Ms. Bowman explained that the shelter provides a safe haven for homeless dogs and cats in Campbell County and provides adoptions which require spay or neutering of animals, microchipping, and rabies vouchers, and the shelter also euthanizes some animals. She stated that both Boone and Kenton Counties' shelters have been expanded in the last two years, while Pendleton County's is not quite as privileged as Campbell's. Kentucky law requires that every shelter provide an area to house bite cases, vicious dogs and cats, and animals that appear to be sick, injured or afraid. Currently the Campbell County animal shelter does not have this type of accommodation. Ms. Bowman explained the features of the proposed expansion. She stated that the shelter has been lucky to get some large donations in the past, and explained how donations have been used in the past to improve the facility. Ms. Bowman advised that the Humane Society of Kentucky went out of business this year and donated \$30,000 to the Campbell County Animal Shelter. All donations to the shelter are kept in a separate account. Ms. Bowman stated that she has been in contact with the director of the Boone County Animal Shelter who is also on the Advisory Board. Boone County is using college students to perform spay/neuter and other procedures on shelter animals. If Campbell County gets the grant it could add an examine room and possibly offer these types of services in the next five years. Commissioner Rehtin asked if the shelter providing spay/neuter procedures would compete with local veterinarians. Ms. Bowman stated that she has a good working relationship with local veterinarians and wants to maintain that; offering procedures such as spay/neuter will be five or more years down the road. She explained that the grant funds total \$3 million and are available to every county in Kentucky; Campbell County is requesting \$250,000. She thanked David Plummer for preparing the grant application. JR Roth asked if they use inmates to help at the shelter. Ms. Bowman stated that they have used inmates in the past in connection with the Circle Tails program which trains animals to make them more adoptable. She was not too pleased using the inmates for this program, however they are fine for maintenance work like painting. Ms. Bowman stated that the rescue groups that she works with are great; they save a lot of animals from euthanasia. She stated that she has great volunteers, and they also get help from people who have to perform community service hours. All voted "AYE" and the motion passed.

A motion was requested to appoint LaToya Malone to the position of Lakeside Terrace Manager at Grade 11C (\$16.05/hour) effective July 8, 2010. Motion was made by Judge Pendery,

seconded by Commissioner Otto. Commissioner Otto stated that Ms. Malone has been performing this job for the County for about 22 months. Commissioner Rehtin asked Robert Horine to explain the County's policy on advertising to fill vacant positions. Mr. Horine stated that the County does have such a policy, however in this instance, Ms. Malone has worked for the County through a temporary agency for the last 22 months. The Lakeside Terrace Manager position was combined with another position that was eliminated through retirement. The Fiscal Court authorized staff to advertise for the Manager position; it was not advertised in the newspaper because of the expense, but was advertised on the County's website. Mr. Horine stated that Ms. Malone is very capable and received good reviews from the Lakeside tenants. He stated that there were only two qualified applicants for this position. Mr. Horine stated that Ms. Malone's experience plus her willingness to take on light maintenance duties and knowledge of the facility were considered. Many private companies hire employees who come to them from temporary agencies. Commissioner Rehtin stated that with an unemployment rate over 10% in Kentucky, he is surprised that they did not get more applications. He stated that this indicates a failure on the County's part in not advertising and getting more applications. He understands the use of temp to hire in the private sector, but not in the public sector. He recommended that they advertise for this position. Commissioner Otto stated that as a business owner he believes in hiring from within if the person does a good job. In this case he is pleased to appoint Ms. Malone based on her performance. He stated that they should also consider that the tenants at Lakeside know and trust Ms. Malone which is important. Commissioner Rehtin stated that Ms. Malone is not really a County employee, she's from a temporary agency. He stated that this is not critical of Ms. Malone, but of the process used by the County. Commissioner Otto and Judge Pendery voted "AYE", Commissioner Rehtin voted "NAY", and the motion passed.

A motion was requested to renew the contract with Gregory Popham to serve as School Resource Officer at Northern Kentucky Cooperative for Educational Services effective July 1, 2010 through June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to renew the contract with James Snider to serve as School Resource Officer at Campbell County Schools effective July 1, 2010 through June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to increase the hourly compensation of Patrolman Mark Wilke from Grade IV, 12A (\$20.7023/hour) to Grade IV, 12B (\$21.2199/hour) effective July 6, 2010 in accordance with the current Fraternal Order of Police agreement. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-86-10 was read by title and summary given. R-86-10 amends the Campbell County Fiscal Court Administrative Code's Authorized Position List and Organizational Chart to reflect the creation of the new position of Part Time Human Services Manager. Judge Pendery made a motion to adopt R-86-10, seconded by Commissioner Otto. Commissioner Rehtin stated that the Fiscal Court is both creating a position and filling the position at the same meeting without advertising. Considering the unemployment rate, the County should first create the position, and then advertise to fill it if the position is needed. Commissioner Rehtin stated that

he suggested that the duties of this position be handled on a contractual basis. He knows the quality of work of the individual who previously retired from this position, but there may be an opportunity for another person to have this job. Commissioner Otto and Judge Penderly voted "AYE", Commissioner Rehtin voted "NAY", and the motion passed.

A motion was requested to appoint Patricia Dressman to the position of Part Time Human Services Manager with compensation set at Grade 15L (\$34.93/hour) effective July 7, 2010. Motion was made by Judge Penderly, seconded by Commissioner Otto. Commissioner Rehtin stated that his comments are nothing personal against Ms. Dressman or Ms. Malone, but the process used by the County. Judge Penderly stated that when you have a good employee, you try to keep them. He feels lucky that they are getting a qualified person at a lower salary and without paying benefits. Commissioner Rehtin stated that this position pays a substantial salary. Commissioner Otto stated that Ms. Dressman has a lot of knowledge and experience in working with various agencies and the Mental Health/Mental Retardation Tax funds. Judge Penderly stated that it is important that the Fiscal Court knows that it can trust Ms. Dressman with the distribution of a great deal of money. Commissioner Otto and Judge Penderly voted "AYE", Commissioner Rehtin voted "NAY", and the motion passed.

Robert Horine presented Resolution R-89-10 by title and summary given. R-89-10 authorizes the expenditure of \$18,637.13 from Court Fee Revenues to fund a portion of a position in the Commonwealth Attorney's Office. Mr. Horine explained that these funds will allow the Commonwealth Attorney's office to continue to operate its successful Felony Accelerated Sentencing Track (FAST) program that was started last year. This program helps to move certain cases through the court process faster so that the inmate's jail costs will be paid by the State. This year's allocation has been increased from \$15,000 to \$18,637.13 to help pay for some employee benefits. Commissioner Rehtin made a motion to adopt R-89-10, seconded by Commissioner Otto. JR Roth asked how much the County will be saving as a result of this program. Mr. Horine replied that they've saved approximately \$51,760 so far. The funds for this allocation come from Court Fee Revenues, a charge on court transactions, not from the County's general fund. All voted "AYE" and the motion passed.

Commissioner Otto stated that he received a letter regarding a young resident achieving the rank of Eagle Scout and asked if this was being acted on. He was advised that the normal procedure was being followed to acknowledge this achievement.

Judge Penderly announced that the next Campbell County Fiscal Court Mayors' meeting will be held on July 27, 2010 at 7:30 a.m. at the Wilder City Building.

Jim Seibert presented Resolution R-83-10 by title and summary given. R-83-10 authorizes the County Judge/Executive to execute a contract with the Ohio-Kentucky-Indiana Regional Council of Governments to provide services to the Campbell County Fiscal Court for Fiscal Year 2011. Commissioner Rehtin made a motion to adopt R-83-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-84-10 was read by title and summary given. R-84-10 authorizes the preapproval of Senior Picnic related bills not to exceed \$5,000. Mr. Seibert explained that this action is

recommended by the auditor for those vendors that need to be paid ahead of the normal payment schedule. Commissioner Rehtin made a motion to adopt R-84-10, seconded by Commissioner Otto. Commissioner Rehtin asked about donors or sponsors for the Senior Picnic. Mr. Seibert stated that due to the economy, donations this year have been lower; he expects that it may cover about 85% of the picnic costs. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims and supplemental claims as presented for July 7, 2010. County Attorney Jim Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Rehtin. 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 Pendery. All voted "AYE" and the meeting adjourned at 8:05 p.m.

Attachments:

Ordinance O-07-10 Discontinue Bob Huber Drive as a Public Right-of-Way
Resolution R-87-10 Application for Grant to Purchas Police Body Armor
Resolution R-88-10 Agreement for Construction of Visalia Road Bridge Replacement
Resolution R-85-10 Application for Grant to Expand Animal Shelter Facilities
Resolution R-86-10 Create Part-time Position of Human Services Manager
Resolution R-89-10 Authorize Expenditure of Court Revenue Fees
Resolution R-83-10 Contract with Ohio-Kentucky-Indiana Regional Council of Governments
Resolution R-84-10 Preauthorize Expenses for Senior Picnic
Claims and Supplemental Claims of July 7, 2010

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk