

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

August 4, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, August 4, 2010, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

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 Daley	County Attorney
Jim Seibert	Fiscal Director
Paula Spicer	Fiscal Court Clerk
Keith Hill	Police Chief
Jack Snodgrass	County Clerk
Linda Eads	Occupational License Director

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting.

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 Fiscal Court meeting of July 21, 2010 were presented. Motion was made by Commissioner Hayden, seconded by Commissioner Rechtin, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Pendery invited comments from the audience.

Lloyd Rogers stated that the petition that he submitted was found to have about 539 signatures which the County Clerk said that he could not read. Mr. Rogers stated that he has the same list of registered voters that the Clerk has, and was able to determine the name by finding the address and date of birth on the list. He believes that it is insulting to the 539 people whose signatures were thrown out. He requested that Judge Pendery reinstate those signatures to the petition. Mr. Rogers further requested a copy of the petition so that he can contact the people whose signatures were not allowed on the petition. Judge Pendery replied that the Fiscal Court will take this

request under advisement and get back to Mr. Rogers. Judge Pendery stated that he understands that there are a sufficient number of signatures on the petition.

Kevin Gordon wondered if everybody in the room signed their name, would the signatures be legible. To disregard somebody's signature on a petition is trivial. If the normal format of a petition is to have spaces for the signature and address, then that should be enough. Jim Daley stated that he talked to Mr. Rogers regarding the petition, and Mr. Rogers cited some case law which he has not yet looked at. Mr. Daley stated that he will talk to Jack Snodgrass regarding the reason that some signatures were removed from the petition.

Kevin Gordon stated that recently there were articles in the *Campbell County Recorder* and *The Enquirer* regarding a potential smoking ban in the three northern Kentucky counties. He asked how accurate the articles were in terms of how and if the smoking ban is moving forward. Judge Pendery stated that he was disappointed in at least one of the articles because it infers that a draft ordinance has been circulated; neither he nor the Commissioners have seen such a draft. He stated that people have come to the Fiscal Court meetings to express their opinions for and against the ban. Mr. Gordon stated that the newspaper reports indicate that Campbell County has enough votes to pass a ban without the benefit of a draft ordinance. Judge Pendery stated that he believes that everybody has been asked about their position, however, despite the newspaper reports, there is no plan among the three counties. Mr. Gordon asked what the procedure and timeline would be for adoption of such an ordinance. Judge Pendery advised that there has been discussion with the Health Department regarding enforcement of an ordinance in connection with their regular inspections. An ordinance cannot be drafted until it is determined whether they will help with enforcement. Judge Pendery stated that the former Health Department Director had enforced smoking regulations at his previous post in Atlanta, Georgia, and did not see a problem with including it in their regular inspection practices at no additional expense. Without this former Director's leadership, the Health Department will have to determine what part they may play. Mr. Gordon pointed out that once they are involved in the enforcement, the Health Department may decide that this is more work/expense than what they originally anticipated. Mr. Gordon stated that he has heard that 70% of businesses in Campbell County are already non-smoking, so if it is moving in this direction, why not allow it to happen on its own. Judge Pendery stated that once there is an acceptable draft ordinance, the counties will do their due diligence by accepting public comments and then have a first and second reading of the ordinance. Mr. Gordon asked if the ordinance is being put off due to the upcoming election. Judge Pendery stated that he cannot predict the timing of any action; it is hard to get three counties to agree to anything, and according to the newspaper, it is now down to two counties. Judge Pendery stated that 80% of the US population has some form of a smoking ordinance; 36-42 of the states have statewide regulations which vary. Mr. Gordon stated that now Ohio is rethinking its smoking ban, and perhaps allowing an exemption for bars. Judge Pendery listed some of the statistics from a poll regarding Ohio's smoking ban.

Lisa Grote commented on the County's website by pointing out that the Fiscal Court meeting minutes have not been updated since May 5, 2010. Melissa Williams stated that she just noticed that today, and the minutes should be up to date tomorrow.

JR Roth, resident of unincorporated Campbell County, stated that he collected signatures for the petition (to change the form of government). He stated that his signature has never been

challenged when he has voted, even though he signs his name in different ways, so why was it challenged on the petition. Judge Pendery pointed out that when you vote you must provide a photo ID or other ID. Mr. Roth stated that it is interesting that in Ohio, people want to allow smoking in bars. He stated that Campbell County is part of a bigger group of counties and should agree to act as a group – all or none.

JR Roth asked how many employees the County has as of today. Judge Pendery estimated about 200, with over 100 being jail employees; at this time there are fewer employees than authorized.

JR Roth asked if the \$100 million for sustainable communities was just for Campbell County or for the entire federal program; how much will Campbell County get from this program and how much will it cost the taxpayers. Judge Pendery stated that the program is a work in progress and they are not sure of what the final product will be. He stated that Travis Miller from OKI will be able to explain more about the program tonight. Mr. Roth stated that typically grants require a match, so if we get \$100,000 do we have to put up \$100,000. Mr. Roth stated that he does not like sustainable communities because he should have the freedom and choice to do what he pleases with his property. He is concerned about the County providing matching funds that have not been budgeted.

Jack Snodgrass, Campbell County Clerk, advised that November 2, 2010 is the general election and he is expecting about 70% turnout of voters. At this time he does not have enough poll workers for the election because of the expected large turnout. He asked the citizens of Campbell County to call his office if they would like to work at the polls. He explained the amount of time involved, the pay for volunteers and the requirements. Mr. Snodgrass anticipates that people will be able to vote quicker with the new voting machines. Commissioner Rehtin advised that his voting place does not have enough space to allow multiple people to fill out ballots at the same time. Mr. Snodgrass stated that federal law mandates that voting places be handicapped accessible and it is hard to find such a place in that precinct.

Jack Snodgrass stated that when he received the petition, he had four people counting and reviewing the signatures to make sure that they were registered voters. One of the requirements for a petition is that they be able to read the signatures; there were many that were scribbled and could not be read. Mr. Snodgrass stated that they follow the guidelines in a 7-page Attorney General Opinion on handling petitions, which states that illegible signatures should not be counted. The petition did not include a column for signers to print their name. He pointed out that there were a number of people who signed the petition that were not registered voters. Mr. Snodgrass stated that he has followed the law in dealing with the petition. He notified the petitioner by mail and by phone, immediately after it was determined that they were short 39 signatures. In the next day or two, the petitioner came in with additional signatures to validate the petition. Mr. Snodgrass stated that the issue will be put on the November ballot as soon as he gets an order from the Judge/Executive.

Melissa Williams presented new business beginning with Resolution R-94-10 by title and summary given. R-94-10 authorizes the County Judge/Executive to execute a Memorandum of Understanding (MOU) for a Sustainable Communities Regional Grant Program Consortium. Ms. Williams stated that the US Department of Housing and Urban Development (HUD) has announced that \$100 million is available across the nation for sustainable regional planning. The

subject MOU allows Campbell County and the other seven counties in the OKI region along with two nonprofit organizations to apply for grant funding for the region for the expansion and refinement of OKI's strategic regional policy plan. By executing the MOU, Campbell County agrees to support the application and participate in related issues. Travis Miller, Regional Planning Manager from OKI Regional Council of Governments explained that about 10 years ago, OKI began work on a strategic regional policy plan relating to regional transportation decisions and transportation investments and its affect on land use. The opportunity for the HUD grant has prompted OKI to update the now 5-year old strategic regional policy plan utilizing new statistics and new housing and economic development trends. The OKI region, based on population, is eligible for up to \$5 million of the \$100,000 million available nationwide. Mr. Miller stated that OKI is not asking Campbell County for a contribution of funds, but simply for its support. He stated that there is a 20% match requirement that would be funded with federal dollars that OKI currently has. Judge Pendery stated that it is frequently required by state and federal government that if you obtain money from them, you must demonstrate that you will spend it wisely, generally through use of planning agency models. In this instance, OKI has nationally award-winning and trend setting models to be used. Commissioner Otto read a portion of the MOU listing the Livability Principles on which a regional plan is to be based. All of these principles are things that he would want in his community. Commissioner Otto then read an email received today from David Paolo, Northern Kentucky Tea Party, regarding the affect of federal sustainable communities policies on Campbell County. Mr. Miller stated that some of the initiatives of the sustainable community program do have an urban slant; the program was designed for the entire country. It should be looked at from a regional standpoint and how best to make use of this funding for our region; the grant gives a lot of latitude to local regions to customize plans to meet their needs. Mr. Miller stated that guidelines and tools are provided, however the final planning and zoning decisions are left to the local communities. Mr. Miller advised that the Fiscal Court is not only supporting OKI's efforts to obtain funding, but the MOU also requires the Fiscal Court to participate in development of a plan. He reiterated that the required matching funds will come from OKI. He pointed out that Campbell County does contribute funds to OKI through its annual dues for regional planning activities. Mr. Miller stated that OKI will act as Fiscal Agent, and as such will sign the application, ensure that the match is provided and upon award of the grant will manage the funds. He stated that the funds have been allocated by the federal government, and will be disbursed to communities across the country whether or not OKI applies; there may also be future funding opportunities. Mr. Miller explained that a variety of people with different areas of expertise will work on the plan. This is a regional plan and has the same value for each member of the consortium regardless of population. Judge Pendery pointed out that the annual dues paid by OKI members are based on population, however all communities are represented equally by their appointed board representatives. Lloyd Rogers asked if OKI is an alliance of governments from Ohio, Kentucky and Indiana; Article 1, Section 10 of the Constitution provides that no alliances shall be formed across state lines. Mr. Rogers explained the original purpose and formation of OKI. Judge Pendery stated that OKI is a regional planning effort that gets funding and sets priorities in the best interest of the region. He stated that the OKI board will not allow any aspect of this program to take away control by local government. Kevin Gordon stated that this all sounds good on the surface, but he questioned some of the statements in OKI's letter. Judge Pendery thanked Mr. Miller for attending the meeting and answering their questions. Commissioner Otto made a motion to adopt R-94-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-95-10 was read by title and summary given. R-95-10 authorizes the Judge/Executive to execute a Purchase of Service Agreement with the Northern Kentucky Area Development District for operations at the Campbell County Senior Center for FY 2011. This is a cost reimbursement agreement through which the NKADD will provide operating funds in the amount of \$80,215 for the Campbell County Senior Center, and the Fiscal Court will match it with \$12,032 from Senior Citizen Payroll Tax Funds. Commissioner Rehtin made a motion to adopt R-95-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-96-10 was read by title and summary given. R-96-10 authorizes the County Judge/Executive to execute a contract with the Alexandria Fair Board for the 2010 Alexandria Fair and Fairgrounds. This contract authorizes the purchase of up to 10 booths at the fair to be used to showcase Campbell County entities, in a total amount not to exceed \$750. The expenditure was budgeted. Commissioner Hayden made a motion to adopt R-96-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-97-10 was read by title and summary given. R-97-10 authorizes the Judge/Executive to execute an addendum to the contract with the City of Alexandria for asphalt work on a City street and for the City's assistance with crack sealing on County roads. This agreement between the City of Alexandria and Campbell County provides that the County Road Department will provide labor and equipment to pave Beiting Lane in Alexandria, and the Alexandria Public Works Department will provide labor and equipment to crack seal several concrete County roads. Both jurisdictions will pay for their own materials for the respective projects. Commissioner Rehtin made a motion to adopt R-97-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Ms. Williams requested a motion to appoint Sharon Seiter to the full-time position of Animal Technician at the Campbell County Animal Shelter with compensation set at \$12.37/hour (Grade 6L), effective August 5, 2010. This position is open due to the retirement of Ann Zeis. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for two part-time Animal Technician positions at the Campbell County Animal Shelter. Ms. Williams explained that one part-time position is vacant due to the promotion of Sharon Seiter, and the other part-time position is currently filled by an individual who cannot give enough hours to the job, and there is another individual on maternity leave until December. The shortage of manpower results in a lot of overtime. Motion was made by Judge Pendery, seconded by Commissioner Otto. Commissioner Rehtin asked what the full-time equivalent is to run the shelter, is it being exceeded, and has this been budgeted. Melissa Williams explained that these positions have been budgeted, however due to the employee being on maternity leave, there has been a lot of overtime needed to cover the weekends. Once the employee returns from maternity leave, they will be back to a normal staff level. Commissioner Rehtin asked how these positions will be advertised. Ms. Williams replied that advertisements will be in the *Recorder*, the newspaper, with Manpower and on the internet. All voted "AYE" and the motion passed.

Robert Horine announced the need to meet in executive session pursuant to KRS 61.810(1)(b) regarding the future acquisition or sale of real property by a public agency. He stated that this

will be done at the end of the regular meeting and that no action would be taken as a result of the executive session.

Commissioner Rehtin stated that the Fiscal Court recently passed a resolution authorizing Robert Horine to negotiate and participate in funding the Mental Health Court. He saw a list of the Mental Health Court board members which was quite extensive and the documentation provided to him confirmed that they made the appropriate decision. Commissioner Rehtin stated that after reviewing the state statute, he believes that funding the Mental Health Court is an appropriate use of the County's Court Revenue Fees.

Judge Pendery announced that the Senior Picnic will be on Wednesday, September 15, 2010 at Pendery Park from Noon to 5:00 p.m. Tickets are available at the Senior Center or the County Administration Building for \$8 in advance, or \$10 the day of the picnic.

Judge Pendery announced an Executive Order to place a question on the November 2010 ballot. The question will read: "Are you in favor of a return to a fiscal court composed of the county judge/executive and eight justices of the peace who shall represent specific districts within the county?" This will be entered into the Order Book according to state statute.

Judge Pendery requested a motion to change the place or time of the next two Fiscal Court meetings: on August 18 the meeting will be held at the Alexandria Courthouse at 5:30 p.m. instead of the County Administration Building, and on September 1 the meeting will be held at 4:00 p.m. instead of 7:00 p.m. at the Alexandria Courthouse so as not to conflict with the fair parade. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Jim Seibert requested a motion to authorize staff to seek proposals for snow and ice maintenance services for various county facilities. Mr. Seibert stated that the County has been happy with the service provider, but wants to see what else may be available. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to acknowledge for the record that the County Treasurer Diane Bertke has completed and submitted the Fiscal Year 2010 Treasurer's Report as required by Kentucky Revised Statutes. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-93-10 was read by title and summary given. R-93-10 approves the Campbell County Health Department tax rate for the Fiscal Year 2011 for the Campbell County Public Health Taxing District. Mr. Seibert advised that the rate approved by the Health Department Board is 2.1¢ per \$100 assessed value. Last year's rate was 2.2¢. Judge Pendery made a motion to adopt R-93-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for August 4, 2010. 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. Commissioner Hayden stated that he talked to Jim Seibert regarding a list of payments made to various local

fire departments totaling over \$30,000. He found that these payments were related to the incident at Trauth Dairy. The fines paid by Trauth Dairy went through the County's fiscal records, and were then paid out to the various fire departments. Mr. Seibert stated that periodically the County takes in funds on behalf of different cities or departments and forwards the money to them. Robert Horine stated that this is a service that the County provides as it would be very complicated if all of these agencies tried to recover expenses individually. In this case there were 8 agencies involved. Mr. Horine advised that the money paid by Trauth is not for fines but rather the actual cost incurred by the emergency agencies responding to the incident. The County does not want to penalize businesses for accidents that happen, but wants to make them accountable for the cost of work done to clean-up the situation. Commissioner Otto thanked Trauth Dairy for promptly paying for these costs. All voted "AYE" and the motion passed.

Commissioner Rehtin made a motion to meet in executive session pursuant to KRS 61.810(1)(b) to discuss the future acquisition or sale of real property by a public agency, seconded by Commissioner Otto. It was announced that no action would be taken after the executive session. All voted "AYE" and the motion passed.

Motion was made by Commissioner Otto to adjourn the executive session, 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 Commissioner Otto. All voted "AYE" and the meeting adjourned at 8:50 p.m.

Attachments:

Resolution R-94-10 Sustainable Communities Regional Grant Program Consortium
Resolution R-95-10 Agreement with NKADD for Senior Center Operating Funds
Resolution R-96-10 Contract with Alexandria Fair Board
Resolution R-97-10 Contract with City of Alexandria for Street Paving
Resolution R-93-10 Approve Campbell County Board of Health Tax Rate
Claims of August 4, 2010

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk