

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**November 3, 2010**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 3, 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:  
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
David Plummer	Solid Waste Coordinator
Jack Snodgrass	County Clerk
William Turner	Office of Emergency Management Director
Adam Caswell	Economic Progress Authority President

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. Commissioner David Otto was absent.

Minutes from the Fiscal Court meeting of October 20, 2010 were presented. Motion was made by Commissioner Rechtin, seconded by Commissioner Hayden, to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery explained that the Northern Kentucky Solid Waste Technical Advisory Board (TAC Council) is an advisory group that helps plan solid waste activities in Northern Kentucky, and Donna Beatsch has been a valuable contributor to the board for almost 20 years. Judge Pendery presented a plaque to Ms. Beatsch in recognition of her years of volunteer service on the board.

Jack Snodgrass stated that there was a record turn-out for the November 2, 2010 election with 48.1 % voting. Once again Campbell County was the first county in Northern Kentucky to have

its totals in. Mr. Snodgrass thanked the over 300 poll workers and his staff who worked tirelessly to ensure a smooth election process and to get the votes tabulated and out to the public as quickly as possible. Judge Pendery thanked Mr. Snodgrass, his staff and the poll workers for their efforts.

JR Roth, Winters Lane, stated that the Northern Kentucky Water District wants to raise the water rates by 25%. He stated that there is a lot of information reporting that this is unfounded although it is required by the federal EPA. Mr. Roth estimates that the increase will cost customers \$1,125 per account. He stated that elected officials are supposed to protect the residents, and they need to tell the Water District to stop spending money. Mr. Roth read then distributed a letter from the Northern Kentucky Tea Party regarding the Water District's request for a rate increase. Commissioner Hayden asked if Mr. Roth has taken this issue up with Senator Mitch McConnell, Representative Geoff Davis and Senator-elect Rand Paul and accused them of not tackling the issue. He stated that the Water District Board is responding to a federal mandate, so Mr. Roth should be dealing with the federal government. Mr. Roth stated that they have talked to the federal people about getting the mandate changed, but nothing has happened to date. Judge Pendery stated that the federal government issued the mandate, and local jurisdictions can be penalized if they do not comply with the mandates.

Clint Ibolt, Highland Heights resident, and member of Northern Kentucky Action, stated that the comprehensive smoke-free ban has been discussed for three years, and he wondered when the Fiscal Court will take action on this. Judge Pendery replied that there will probably be a first reading of an ordinance before the end of the month.

Tom Murphy, Cold Spring resident, stated that he does not believe that the government should pass laws telling a business owner how to operate their business. He stated that many Northern Kentucky businesses have benefited from Cincinnati's smoking ban. He would like to see the action groups come up with ideas on creating jobs, rather than telling establishments how to run their businesses. Mr. Murphy stated that in addition to working for a local municipality, he owns four businesses and times are tough. If people don't like smoking they should simply go elsewhere. Mr. Murphy stated that free enterprise will take care of itself. He is a nonsmoker, but believes in freedom.

Michelle Eversole, Northern Kentucky Action, stated that studies have shown that it was a "wash" when Ohio adopted a smoking ban compared with its border counties. There were neither more people going to Ohio, nor coming to Kentucky. She stated that citizens look to the government officials to protect them from harm. The harmful effects of second hand smoke are well documented. She hopes that they pass an ordinance by the end of the year.

Doris Miller, owner of Millers Fill In, stated that the taxi cabs bring customers from Ohio to her establishment because they can smoke here. She should have the right to put a sign on her door identifying it as a smoking establishment; if people don't like that, then they shouldn't come in.

Rita Hauke, Northern Kentucky resident, stated that she developed asthma about seven years ago from being around smokers. She stated that it is not fair for people to smoke indoors when they could go outdoors. She spoke about breathing problems that she's had at establishments that allow smoking. She urged the Fiscal Court to adopt a smoke-free policy.

Cathy Flaig, President of the Northern Kentucky Tea Party and three-term Boone County Commissioner, stated that they need to be mindful of the public utilities and EPA actions. She recalled when the EPA issued regulations in 1999. Ms. Flaig stated that they need to challenge the EPA on a lot of issues, especially in light of the slow economy. As a small business owner, Ms. Flaig is against smoking regulations. Personally she does not like smoking, but small business owners have to make a living and should have a choice whether to permit smoking in their establishments.

Kathy Rack, lifelong resident of Campbell County, stated that a lot has been said about smoking regulations, but she wanted to speak about servers in restaurants. When her children were in high school and college working in Campbell County establishments they unfortunately had to work in the smoking section at times. During those times they were not as healthy as they were before working there. She stated that some argue that they don't have to work in those types of establishments, but there are not many jobs available for young people where they can earn decent money. Ms. Rack stated that when she goes out with friends, they usually go to Ohio restaurants.

Don Nienaber is in favor of smoke-free businesses. He stated that his wife suffered from cancer for 13 years, and if anybody had to experience what they went through, they would be in favor of smoke-free regulations. Mr. Nienaber requested that the Court take into consideration the health of residents when they vote on the smoking regulations.

Jeremy Engle, MD, a resident of Cincinnati and a family physician in Bellevue, Kentucky for ten years, stated that he works extremely hard to take care of citizens in this community. Tobacco abuse is an extraordinarily hard thing to treat; it is addictive and is a cultural issue. Dr. Engle stated that business has to take care of business, but legislators have to take care of people. Sometimes leadership has to stand up and do the right thing, even if it means losing an election; he needs the legislators' help so that he can help people.

Jim Cline, Clines on the River, stated that over 50% of his customers are smokers and most of his employees are smokers. He stated that the customers dictate how he operates his business – if the majority did not smoke he'd have a non-smoking establishment.

Sara Kurtzmeyer, a member of Northern Kentucky Action, stated that smoke-free laws are popular, in fact more than 60% of Northern Kentucky residents support smoke-free laws according to a poll. She stated that South Dakota just became the 29<sup>th</sup> state to become smoke-free, and there are 27 communities in Kentucky that are smoke-free. She thinks that it is time for Northern Kentucky to join the crowd.

JR Roth stated that this originally started as a three-county thing – Boone, Kenton and Campbell Counties – then Boone County dropped out. He stated that if gambling ever came to Northern Kentucky, he is sure that the casinos will locate in the county that allows smoking.

Jennifer Mason stated that she is very happy to hear that a reading on an ordinance will happen this month. She stated that many people are working in smoking environments, that is their livelihood, and they deserve protection.

Don Hilker, owner of Southern Bowling Lanes, stated that smoking is definitely bad for your health, and he does not smoke, but it is a personal choice. There is a bar at the bowling lanes and he has a lot of customers that smoke and he is representing them. He agrees that there are certain places that smoking shouldn't be allowed, but at bars or other places of entertainment, people should be able to smoke. It is not the government's place to tell them what to do. Mr. Hilker stated that he has no problem displaying a sign that this is a smoking establishment and people can decide whether they want to come in or not. Mandating that businesses that allow smoking install smoke-eaters or air cleaners would be more acceptable than a ban. He stated that this is an issue of business owners' rights; they should be able to run their business as they see fit. Mr. Hilker stated that his business has increased since Ohio's ban took effect. Other business owners have seen increases as well.

Judge Penderly reported that the reason that 80% of the U.S. population has a smoking ban is because Americans have a choice; they voted on it. He cited the recent 2-1 vote by South Dakota residents to expand its smoking ban. Thirty-seven states have state-wide regulations, and 1000's of communities have regulations. A member of the audience asked why this issue was not being put on the ballot for a vote. Judge Penderly stated that he understands that under Kentucky law this can not be put to a referendum. Another member of the audience stated that constitutionally in Kentucky tobacco issues can not be on the ballot. However, polls show that the majority of Kentuckians support smoke-free ordinances.

Linda Pfister, a nonsmoker, stated that she hears both sides of the argument. She believes that people should have a choice, but also believes that second hand smoke is harmful. She wondered if something couldn't be done that wouldn't infringe on the business owner or put them out of business. Ms. Pfister stated that she doesn't like smoking, but it is an individual choice.

Melissa Williams presented old business with a second reading of Ordinance O-10-10. Read by title Ordinance O-10-10 enacts and adopts the 2010 S-21 Supplement to the Code of Ordinances of the County of Campbell, Kentucky (January 1, 2010 through June 30, 2010). Commissioner Hayden made a motion to adopt O-10-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Ms. Williams presented a proclamation proclaiming November 8, 2010 as "World Town Planning Day" in Campbell County in recognition of the members of planning commissions, citizen planners, and the planning profession for their service to our community. Motion was made by Commissioner Rehtin, seconded by Judge Penderly. All voted "AYE" and the motion passed.

Resolution R-120-10 was read by title and summary given. R-120-10 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 agreement, in the amount of \$120,016 from State flex funds, is to be used to asphalt portions of Daniels Road and Reis Ridge Road. Application for these funds was approved by the Fiscal Court last April, and the State is now disbursing the funds.

Commissioner Rehtin made a motion to adopt R-120-10, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-121-10 was read by title and summary given. R-121-10 authorizes the Judge/Executive to execute a Planned Equipment Maintenance Agreement with Cummins Bridgeway, LLC for maintenance of the generator located at 1098 Monmouth Street, Newport, Kentucky. The contract is for a term of one year and provides for two inspections at a cost of \$1,267 per year. Since the building has been opened for a year, the Fiscal Court must assume responsibility for maintenance. Commissioner Rehtin made a motion to adopt R-121-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-122-10 was read by title and summary given. R-122-10 authorizes the Judge/Executive to execute a maintenance agreement with ThyssenKrupp Elevator Corporation for maintenance of the two elevators located at 1098 Monmouth Street, Newport, Kentucky. Melissa Williams explained that the Fiscal Court is required to assume the maintenance agreement for the elevators. The cost is \$222 per month for one year. She stated that the Fiscal Court will also get a discount from ThyssenKrupp on the maintenance costs for the elevator at the jail. Commissioner Rehtin made a motion to adopt R-122-10, seconded by Judge Pendery. Ms. Williams stated that they did receive three bids for maintenance services. All voted "AYE" and the motion passed.

Resolution R-123-10 was read by title and summary given. R-123-10 authorizes the Judge/Executive to accept the proposal of Bluegrass Kesco, Inc. for chemical water treatment maintenance of the boiler system located at 1098 Monmouth Street, Newport, Kentucky. Ms. Williams stated that Bluegrass Kesco is currently performing this service and will continue the quarterly maintenance service at the State contract price of \$180 per quarter. Commissioner Rehtin made a motion to adopt R-123-10, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-124-10 was read by title and summary given. R-124-10 accepts a Port Security Grant in the amount of \$41,510 from the U.S. Department of Homeland Security to be used to purchase a mobile server and command software for the Office of Emergency Management. The Office of Emergency Management's existing equipment will serve as an in-kind match for the grant. Judge Pendery made a motion to adopt R-124-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-125-10 was read by title and summary given. R-125-10 authorizes the Judge/Executive to execute a purchase order agreement with the Commonwealth of Kentucky office of Homeland Security for a grant in the amount of \$120,000 to be used for the purchase of radio infrastructure equipment to improve emergency service radio transmissions. This equipment is needed for the narrow banding project. Commissioner Hayden made a motion to adopt R-125-10, seconded by Commissioner Rehtin. Ms. Williams advised that there is no match required for this grant. All voted "AYE" and the motion passed.

A motion was requested to adjust the salary of Patrolman Steven Kush from Grade III, 11C (\$20.2329/hr) to Grade III, 11D (\$20.7387/hr) in accordance with the current agreement with the

Fraternal Order of Police, effective November 1, 2010. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to adjust the salary of Patrolman William Bertke from Grade IV, 12I (\$25.2238/hr) to Grade IV, 12J (\$25.8543/hr) in accordance with the current agreement with the Fraternal Order of Police, effective November 11, 2010. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to appoint Jason Oldiges to the position of Information Technology (IT) Director with compensation set at Grade 17I (\$72,891.00/annually) effective November 29, 2010. Motion was made by Judge Pendery, seconded by Commissioner Hayden. Commissioner Rehtin thanked Robert Horine for considering all options before filling this vacancy. All voted "AYE" and the motion passed.

Judge Pendery introduced Adam Caswell the new president of the Campbell County Economic Progress Authority. He pointed out that Campbell County is the only county that has a position dedicated to economic development. It is not a position under the Fiscal Court, but is supported by the Campbell County Economic Progress Authority. Commissioner Hayden stated that Mr. Caswell worked in his office some years ago, and he looks forward to working with him again.

Judge Pendery announced that the next Campbell County Mayor's meeting will be on Tuesday, November 16, 2010 at 7:30 a.m. at the County Administration Building in Newport.

Judge Pendery announced that there will be a Household Waste Collection Event held on Saturday, November 6, 2010 at Turfway Park in Florence, from 9:00 a.m. to 2:00 p.m. He stated that no paint will be collected at this event. Persons interested in this event can call the Solid Waste office with any questions.

Judge Pendery announced that the Campbell County Fall Clean Up dates are November 12, 13 and 14, 2010.

Jim Seibert requested a motion to award bids for snow and ice maintenance services for County facilities. This year they split the County into two sectors, and awarded two contracts. One contract to Nathan Heim for facilities in Alexandria and Highland Heights, and another contract to Lawn Systems, Inc. for facilities in Newport. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to solicit bids for prices for golf course supplies including: sand, seed, fertilizer, fungicides, herbicides, insecticides, and golf supplies, as needed for the 2011 golf season. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to declare certain property as surplus, and to authorize its disposal through a sealed bid process. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed. Commissioner Hayden pointed out that there are some nice items on the list and people should consider bidding on them.

A motion was requested to purchase two 2011 Ford Crown Victoria vehicles for the Campbell County Police Department from Paul Miller Ford in Lexington using the State Contract price of \$21,230 each, for a total of \$42,460. Mr. Seibert advised that this purchase is budgeted. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. Judge Pendery stated that the County is purchasing fewer vehicles than it used to. Chief Keith Hill explained that they will take the equipment off of the old vehicles and install it on the new ones to save money. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for November 3, 2010. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Hayden, 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 Hayden. All voted "AYE" and the meeting adjourned at 8:10 p.m.

**Attachments:**

- Ordinance O-10-10 Adopt S-21 Supplement to the Campbell County Code of Ordinances
- Proclamation World Town Planning Day
- Resolution R-120-10 Rural Secondary Road Program Agreement
- Resolution R-121-10 Maintenance Agreement for Generator at 1098 Monmouth Street
- Resolution R-122-10 Maintenance Agreement for Elevators at 1098 Monmouth Street
- Resolution R-123-10 Maintenance Agreement for Boiler at 1098 Monmouth Street
- Resolution R-124-10 Port Security Grant for Office of Emergency Management
- Resolution R-125-10 Radio Infrastructure Equipment Grant
- Claims of November 3, 2010

Approved:

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STEVE PENDERY  
Judge/Executive

Attest:

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Paula K. Spicer  
Fiscal Court Clerk