

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**December 1, 2010**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 1, 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 E. 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
Peter Klear	Director of Planning and Zoning

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 November 17, 2010 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Hayden, to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery asked if anyone would like to address the Fiscal Court.

JR Roth, Winters Lane, Campbell County, stated that he is concerned about the 25% rate increase requested by the Northern Kentucky Water District. He stated that the increase is to fund EPA mandates that don't go into effect until 2012. Mr. Roth requested that the Fiscal Court put some pressure on the Water District regarding the increase; people simply can not afford it.

Erik Hermes, Campbell County resident, stated that the economy is hitting everybody hard; people have less money to spend. Now the Water District requests a 25% increase in rates due to

EPA mandates. Mr. Hermes asked if the Fiscal Court was going to do anything to help the residents fight this rate increase. Judge Penderly stated that they will talk to the Campbell County Water District Board representatives and perhaps have somebody come to a meeting to address this issue. He stated that the Fiscal Court can not change the policies of the EPA, and the rate increase request is now in the hands of the Public Service Commission.

Don Hilker, Moock Road, and owner of Southern Bowling Lanes, Alexandria, advised that a Campbell County Restaurant and Tavern Owners Association has been formed; Jim Cline is the President. Mr. Hilker submitted a petition containing 3,019 signatures of Campbell County citizens opposed to the smoking ban. He also represents the Northern Kentucky Bowling Association and its six local centers are also opposed to the ban.

Ken Moellman, Pendleton County resident, stated that the smoking ban is extreme. He stated that if this Fiscal Court adopts the ban, it is likely to be repealed in January. Mr. Moellman suggested that the Fiscal Court adopt an ordinance similar to Alexandria's requiring businesses to post signs. He asked what the legal process is if a business is found to be in violation of the ordinance. Jim Daley stated that it would follow the normal process in District Court.

JR Roth stated that there is still a burn ban in effect in Campbell County. Judge Penderly advised that the burn ban had been lifted as of midnight, November 30, 2010.

JR Roth stated that there is an item on the agenda about a cable thing. He asked if this will help get broadband internet access to the entire county.

JR Roth distributed copies of a report from the National Cancer Institute showing the types of cancers that are increasing in Kentucky. He stated that according to this report, lung cancer in Kentucky is on the decrease. Judge Penderly stated that Kentucky is still one of the worst states in the nation for cancer rates.

Rita Hauke requested that the Fiscal Court pass a comprehensive smoking ban. She submitted copies of letters from local doctors supporting the ban.

Jennifer Mason, Campbell County resident, stated that the Fiscal Court can take the lead in Northern Kentucky by passing a comprehensive smoking ordinance on the 15<sup>th</sup>.

Melissa Williams presented old business with a second reading of Ordinance O-11-10. O-11-10 amends the text of the Official Zoning Ordinance for unincorporated Campbell County, Article X General Regulations, adding a new section 10.28 ACD – Agricultural Cluster Development Overlay Zone. The Campbell County and Municipal Planning and Zoning Commission has approved this amendment which will preserve land used for agriculture through a method of land planning and design that allows for the clustering of a limited amount of detached, single-family residential units along with the creation of a conservation easement to retain a significant portion of the land for agricultural production and use. Commissioner Rehtin made a motion to adopt O-11-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed. New business was presented beginning with Ordinance O-13-10 which was read by title and summary given. O-13-10 authorizes the issuance of Industrial Building Revenue Refunding

Bonds, Series 2010 (Main Street Baptist Church of Alexandria, Ky., Inc. Project) of the County of Campbell, Kentucky, in an aggregate principal amount not to exceed \$1,675,000, the proceeds of which shall be loaned to Main Street Baptist Church of Alexandria, Ky., Inc. to refund outstanding obligations originally issued to finance and refinance the acquisition, construction, installation and equipping of facilities suitable for use in furtherance of the educational purposes of Main Street Baptist Church of Alexandria, Ky., Inc. and located within the County of Campbell, Kentucky; providing for the pledge of revenues for the payment of such bonds; authorizing a loan agreement appropriate for the protection and disposition of such revenues and to further secure such bonds; authorizing a bond purchase agreement, tax regulatory agreement, mortgage and assignments; and authorizing other actions in connection with the issuance of such bonds. This is a first reading of the ordinance. Peck Shaffer serves as bond counsel for the Church. Ms. Williams advised that a public hearing will be held prior to the December 15, 2010 meeting when the second reading will take place.

Resolution R-132-10 was read by title and summary given. R-132-10 authorizes the Judge/Executive to execute a grant agreement with the Kentucky Department of Agriculture for the expansion and renovation of the current Campbell County Animal Shelter. The County was awarded \$133,500 in grant funds for the expansion project. The required 20% match for the grant will come from private donations made to the Animal Shelter. Commissioner Rehtin made a motion to adopt R-132-10, seconded by Commissioner Otto. Commissioner Hayden pointed out that this project does not involve any County funds as the match will be made with donated funds. All voted "AYE" and the motion passed.

Resolution R-129-10 was read by title and summary given. R-129-10 adopts the 2011 Holiday Schedule for the Campbell County Fiscal Court employees. Judge Pendery made a motion to adopt R-129-10, seconded by Commissioner Otto. Ms. Williams stated that it is the same number of holidays as last year. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Tim Lukes from the Campbell County Police Department effective November 19, 2010. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to terminate the appointment of David Lusher as Acting IT Director effective December 4, 2010. Ms. Williams stated that Mr. Lusher has served admirably during his interim appointment. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Robert Horine read Ordinance O-14-10 by title and summary given. O-14-10 approves an Interlocal Agreement between the Campbell County Fiscal Court and Cities of Campbell County renewing the Campbell County Cable Board as the cable television regulatory authority for the participating local governments. This is a first reading of the ordinance. Mr. Horine explained that the original Agreement creating the Campbell County Cable Board was executed in 1981, and an updated agreement was executed in 1994. Due to a number of amendments since then, the Cable Board recommends executing a new updated agreement. Nine of the 12 participating cities have approved the agreement. Mr. Horine introduced Jennifer Teipel, Executive Director of the Campbell County Cable Board, and David Guidugli a member of the Board, to answer any

questions. Ms. Teipel explained why the Cities of Newport, Ft. Thomas and Dayton do not participate in the Cable Board. Commissioner Rechten encouraged Ms. Teipel to try to get these three Cities into the Cable Board to provide more local access to subscribers. Ms. Teipel stated that they are waiting for the Cities of Silver Grove, Mentor and Highland Heights to approve the agreement. She explained the structure of the 11-member board. She stated that a comprehensive report will be presented annually to the Cable Board parties. Ms. Teipel stated that the Board has been able to add to its reserves in the last couple of years because they have been operating very frugally and have put off some expenditures. She suggested that residents attend the public hearings in connection with the franchise agreement with Insight to voice their concerns and request for additional coverage. The more calls and requests that the providers get the greater the chances are that they'll expand coverage. Ms. Teipel explained that they have incurred and have budgeted for higher legal fees due to the franchise renewal, new franchise agreement with Cincinnati Bell, and the recent I-net settlement agreement. She announced a new service for Cable Board members which is a page for each member containing a list of meetings that are available for viewing. Ms. Teipel stated that their legal expenses are significantly less compared to other counties; negotiating franchises and non-compliance issues are the biggest legal expenses for the Board. Mr. Horine explained that the providers sometimes make promises that they don't keep, i.e. Insight's promise to develop the I-net, a free to local government fiber network run over the cable system. Due to the Cable Board's persistence, the I-net has finally been developed and will be implemented very soon. This will save the County about \$100,000 per year for the next three years. Mr. Horine stated that Campbell County's is the only cable board in Kentucky that has seen the I-net materialize.

Resolution R-133-10 was read by title and summary given. R-133-10 authorizes the County Judge/Executive to execute an agreement to provide IT services to the Northern Kentucky Independent District Health Department at a rate of \$50 per hour. The County has agreements with nine other cities and agencies in Campbell County for IT services. The Health Department recently inquired about contracting with the County for these services. Commissioner Rechten made a motion to adopt R-133-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Commissioner Otto asked if Robert Horine would explain the recent ruling in the Nolan lawsuit and advise how much money the County has spent on defense of the lawsuit. Mr. Horine explained that the County received the Order from the Kentucky Court of Appeals in the Nolan vs. Campbell County case regarding the County seat and location of certain offices. The Campbell County Circuit Court had ruled in favor of the County finding that Alexandria was the County seat, but it did not affect the location of offices in Newport as they have been since the 1880's. Mr. Nolan appealed the decision to the Kentucky Court of Appeals, which upheld the Circuit Court decision and reversed it on the finding that Alexandria was the only County seat, by ruling that Alexandria and Newport are both County seats. Mr. Horine stated that this lawsuit was originally not covered by the County's insurance coverage because it did not seek monetary damages, so the County had to employ legal counsel. This has cost the County in excess of \$60,000. After the recent filing of an amended complaint, the insurance company decided that it would cover the cost of defense.

Dan Hull stated that Ashland has a similar situation to Campbell County. It had a special taxing district so that they could have a courthouse in the more populated area of the County. Mr. Hull stated that now the Campbell County taxpayers are paying for the new building in Newport which houses State offices. Judge Pendery attempted to explain the history of the previous taxing district for the Courthouse in Newport. Commissioner Otto pointed out that the cost of the new County Administration building is being shared by the Health Department and other tenants in the building.

Dan Hull stated that the zoning amendment approved earlier in the meeting was rushed through.

Judge Pendery announced that an Oath of Office Ceremony for Campbell County office holders will be held on Sunday, January 2, 2011 at 4:00 p.m. at the County Administration Building, and the public is invited to attend.

Judge Pendery announced that the Fiscal Court will again host a Christmas Tree Recycling Program in partnership with Northern Kentucky University. More details will be released as the program is finalized.

Judge Pendery stated that at the last meeting, the Fiscal Court was accused of ignoring the public's safety by allowing too many people in the meeting room. Since then he has been advised that they were not over the occupancy limit of the room, and when fire department personnel are present the occupancy limit may be increased to some extent. The capacity of the Fiscal Court chambers is 136 people seated. Since the second reading of the smoking ordinance is scheduled for December 15 in the Chambers, and a big crowd is expected, the possibility of having TV monitors in the lobby to accommodate those that can't get in the room was suggested. Ms. Williams stated that they do have the ability of having fire department personnel in attendance to monitor the crowd and assist in the event of an emergency.

Jim Seibert read Resolution R-130-10 by title and summary given. R-130-10 approves the County Clerk's budget as submitted for calendar year 2011. He pointed out that there are no raises included in the budget. Commissioner Rehtin made a motion to adopt R-130-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-131-10 was read by title and summary given. R-131-10 approves the County Sheriff's budget as submitted for calendar year 2011. Commissioner Rehtin made a motion to adopt R-131-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Mr. Seibert requested a motion to approve the transfers as presented for December 1, 2010. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for December 1, 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. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Otto made a motion to adjourn, seconded by Commissioner Rehtin. All voted "AYE" and the meeting adjourned at 8:10 p.m.

**Attachments:**

Ordinance O-11-10 Amendment to Official Zoning Ordinance  
Ordinance O-13-10 Industrial Building Revenue Refunding Bonds  
Resolution R-132-10 Kentucky Department of Agriculture Grant Agreement  
Resolution R-129-10 2011 Holiday Schedule for Fiscal Court Employees  
Ordinance O-14-10 Interlocal Agreement for Cable Television  
Resolution R-133-10 Agreement with N. Ky. Independent District Health Department  
Resolution R-130-10 Adopt 2011 Budget for Campbell County Clerk  
Resolution R-131-10 Adopt 2011 Budget for Campbell County Sheriff  
Transfers of December 1, 2010  
Claims of December 1, 2010

Approved:

---

STEVE PENDERY  
Judge/Executive

Attest:

---

Paula K. Spicer  
Fiscal Court Clerk