

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**February 17, 2010**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, February 17, 2010, at 5:30 p.m. at the Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:15 p.m. for the purpose of receiving public comments on the application for a Recreational Trails Grant. Present at the hearing were:

Steve Pendery, Campbell County Judge Executive  
David Otto, County Commissioner  
Kenneth Rechten, 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  
Peter Klear, Planning and Zoning Director  
David Plummer, Administrative Analyst  
William Turner, Office of Emergency Management Director

David Plummer, Administrative Analyst, opened the public hearing by stating that the Fiscal Court was seeking public comments on the application for a Recreational Trails Grant. He explained that the 2002 Recreation Master Plan which was based on citizen input calls for more recreational trails in public parks. The proposed use of this grant is to extend the existing multipurpose trail in A J Jolly Park by 4,100 feet. The 8 foot wide trail will be paved with asphalt and have several exercise stations along its route. Jim Pfister, resident, asked why it's a good idea to construct the trail. Mr. Plummer stated that the Recreation Master Plan calls for more trails based on citizen responses to surveys. The trails promote healthy activities for the community and make the park more accessible for the elderly and handicapped. The grant requires a 50/50 match of \$40,000 which the County will supply with in-kind labor and equipment. Judge Pendery stated that the County has a paving machine and the public works employees will work on the project as their schedule allows. Mr. Plummer agreed that the employees are experienced in this type of work and it will not interfere with their regular duties. Brock MacKay, resident, supports the project as a great benefit for residents, and it makes sense to complete the existing trails. JR Roth, resident, asked how long the existing trail is and will this complete it 100 percent. Mr. Plummer replied that currently there are 3,800-4,000 feet of trail along Racetrack Road and this project will complete that section of the trail network. Judge Pendery stated that this trail helps to get around the park without being exposed to traffic. Mr. Roth stated that he doesn't see much use of the existing trail, and wonders who will use the new trail. Mr. Plummer stated that the trail is along Racetrack Road, meets the parking lot and will continue from there, also providing a link to Parkside Subdivision. He explained that the grant is federal funds that are disbursed by the Kentucky Department of Local Government. Mr. Roth

stated that the project is still costing the County \$40,000. There being no further discussion, the public hearing was adjourned at 5:26 p.m.

In attendance at the regular 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 Daley	County Attorney
Colonel Keith Hill	Chief, Campbell County Police Department
Paula Spicer	Fiscal Court Clerk
Peter Klear	Planning and Zoning Director
David Plummer	Administrative Analyst
William Turner	Office of Emergency Management Director

The meeting was called to order at 5:30 p.m. by Judge Pendency.

Judge Pendency asked for a moment of silence, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present. Cable Access was present to film the meeting.

Minutes from the Fiscal Court meeting held on February 3, 2010 and the Mayors meeting held on January 26, 2010, were presented by Judge Pendency. Motion was made by Commissioner Otto, seconded by Commissioner Hayden to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendency asked if there were any guests that would like to speak. JR Roth, resident, referring to Resolution R-21-10 asked if there were any big changes to the Code from a landlord's perspective. He also asked if there are any changes to inspections, fees and permits. Jim Pfister stated that he had some questions also. Judge Pendency suggested that their questions could be answered when the items come up on the agenda.

There being no old business to attend to, Melissa Williams moved on to new business with a proclamation. March 2010 is proclaimed as Severe Weather Awareness Month in Campbell County, and all citizens are urged to practice their emergency plans during the Annual Statewide Tornado Drill on Tuesday, March 2, 2010 at 10:07 a.m. and to become educated on what actions should be taken to prepare, respond and recover from severe weather incidents including finding out about resources that are available to them on a state and local level. Motion was made by Commissioner Rechtin, seconded by Commissioner Otto. Jim Pfister asked how this will be

advertised to the citizens, how they can find out about state and local resources, and if anything will be on the website. Judge Pendery replied that will be made aware by adoption of the proclamation and circulating it to the press . William Turner stated that press releases will be issued every week detailing websites and publications that are available to citizens to help them better prepare for severe weather events. He announced that the County is sponsoring a free weather spotter program on March 2 at the Fire Training Center in Highland Heights. The program is presented in conjunction with the National Weather Service and participants will learn how they can report weather conditions to the National Weather Service. Ms. Williams stated that as press releases are issued, they will be put on the website along with the proclamation. A citizen asked how much this will cost. Mr. Turner stated that there is no cost for the program or the use of the fire training facility. All voted “AYE” and the motion passed.

Ms. Williams then presented Resolution R-20-10 which was read by title and summary given. R-20-10 authorizes a contract with the City of Wilder to provide them with IT-related services. Brett Ruschman, IT Director, recommends this contract which is similar to contracts that the County has with other cities/agencies. The City of Wilder will be charged \$55 per hour and no additional County personnel will be required to perform the contract. Commissioner Otto made a motion to adopt R-20-10, seconded by Commissioner Hayden. All voted “AYE” and the motion passed. Judge Pendery stated that this is a consolidation of services effort by Campbell County intended to save everybody money.

Resolution R-21-10 was read by title and summary given. R-21-10 approves the execution of an agreement between Campbell County and the Kentucky Department of Housing, Building and Construction for additional responsibility relating to building plan review and inspection services in Campbell County. Ms. Williams explained that the County has requested expanded jurisdiction in plan review and inspection for the unincorporated County, the Cities of Bellevue, California, Melbourne, Crestview, Dayton, Southgate, Silver Grove and Woodlawn. Peter Klear advised that one of the biggest advantages of the expanded jurisdiction for the County will be time savings. Presently it takes 6-8 weeks for review and approval by the State; with local review the time will be cut in half. At this time, there is one state inspector assigned to cover 6-8 counties causing a delay in starting new projects. Mr. Klear stated that the fees will remain the same, however the fees will be paid to the local jurisdiction instead of being sent to Frankfort. JR Roth asked if this applies to the International Building Code. Mr. Klear stated that this refers to the Kentucky Residential Code and the Kentucky Building Code, however there are no Code changes. A citizen asked if this pertains mainly to building plan review, and does not affect Planning and Zoning. Mr. Klear answered affirmatively. Jim Pfister, resident, asked how this affects homeowners in the unincorporated portion of the County. He was told that it does not, it only applies to non-residential inspections; the County already does residential inspections. Commissioner Rehtin made a motion to adopt R-21-10, seconded by Commissioner Otto. All voted “AYE” and the motion passed.

Resolution R-22-10 was read by title and summary given. R-22-10 authorizes the Judge/Executive to apply for grant funds from the Recreational Trails Program for the construction of a multipurpose trail within A J Jolly Park. This grant application is in the amount of \$40,000 and was the subject of the public hearing held prior to the meeting. Judge Pendery made a motion to adopt R-22-10, seconded by Commissioner Rehtin. Commissioner Rehtin

stated that during the times when he's been at Pendery Park he observed that the multipurpose trail there gets a tremendous amount of use and he believes that when completed, the one at A J Jolly Park will get a lot of use also. All voted "AYE" and the motion passed.

Resolution R-23-10 was read by title and summary given. R-23-10 authorizes the Judge/Executive to file a letter of intent and apply for a Federal 2010 Safe Havens Grant. Ms. Williams explained that the County is applying for the grant on behalf of Holly Hill Children's Home. Commissioner Otto made a motion to adopt R-23-10, seconded by Judge Pendery. Commissioner Hayden pointed out that this program helps protect women and children who are involved in domestic disputes. Judge Pendery stated that this program has not been funded every year, however the program was very successful when the grant money was received. Melissa Williams stated that the amount of the grant is \$400,000; the County serves as a conduit in the grant process because Holly Hill can not apply directly for the grant. The County does get an administrative fee from the grant funds. The program is housed in Wilder and provides a safe place for court-ordered supervised visitation. Funds for the grant originate with the US Department of Justice Office for Violence Against Women. Commissioner Rehtin advised that he will not vote on this resolution because he sits on the Board of Directors for Holly Hill. All voted "AYE" and the motion passed.

A motion was requested to appoint Michael Braun to the position of Maintenance Supervisor effective February 17, 2010 with compensation set at Grade 12O. This appointment is being made due to the pending retirement of Russell Guy the current Maintenance Supervisor. Motion was made by Judge Pendery, seconded by Commissioner Otto. Judge Pendery stated that the Maintenance Supervisor's job is a lot more than just sweeping or cleaning; this person must have a pretty strong background in repair and construction technique enabling a lot of work to be done in-house rather than contracted. There are a total of 14 County-owned buildings that the Maintenance Supervisor takes care of including the jail and associated buildings, the old Alexandria City Building, Alexandria Courthouse and Police Department. Responding to a question from the audience, Ms. Williams advised that salary grade 12O is in the range of \$49,000 per year. Judge Pendery stated that the County has a merit-based system of compensation. Commissioner Hayden stated that Mr. Braun has a degree in construction technology and has worked for local big construction companies. His salary with the County will be lower than what he is currently making. All voted "AYE" and the motion passed.

A motion was requested to appoint Howard Tucker and Nicholas Young to the seasonal position of Park Maintenance Worker effective February 17, 2010 through the 2010 Park season with compensation set at \$9.91/hour. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Connie Schweitzer to the Campbell County and Municipal Board of Adjustment for a four year term effective March 3, 2010 through March 2, 2014. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to reappoint Robert Huck to the Campbell County and Municipal Planning and Zoning Commission for a four year term effective March 3, 2010 through March 2,

2014. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Robert Horine presented his report to update the Fiscal Court on discussions over the past six months with Ameresco Inc. exploring the possibility of a comprehensive energy savings program. Based on input from the Fiscal Court members since the November 17, 2009, presentation by Ameresco, the Fiscal Court will not proceed with the comprehensive energy savings program. The Fiscal Court was notified last year that it would receive \$275,000 in federal stimulus funds for energy efficiency improvements at County facilities. These funds were originally to be included in the comprehensive energy savings program, however staff is now exploring the best way to utilize the funds by inviting Ameresco to submit a revised proposal addressing only the funds available from the federal government without any expenditure of County funds. Mr. Horine stated that over the next few weeks they will discuss how best to use the federal funds, but there are no plans to move ahead with the comprehensive energy savings program at this time. JR Roth asked if other contractors will have an opportunity to submit proposals on the project the same as Ameresco. Mr. Horine stated that since they've been in discussions with Ameresco, they've invited Ameresco to submit a revised proposal to address only the lighting project. Lighting retrofits and upgrades are one of the biggest returns on energy efficiency improvements by reducing electric costs. Mr. Horine explained that the process which the County has followed was laid out by the Kentucky General Assembly to encourage local governments and state agencies to engage in an energy performance program and to seek proposals to carry out these programs. The improvements will be paid for with the energy savings realized over a number of years. Many other local governments and state agencies have availed themselves of this program. He stated that the County has shared with Ameresco comments that it has received that there is interest to engage Campbell County contractors wherever possible. Mr. Horine explained that the process set out by the State is set up as a guaranteed energy savings process which means that the company that does the work guarantees the return received on reduced energy bills. If the energy savings are not realized, the company must make up the difference. The guarantee of savings is an advantage of continuing this process with an energy savings provider like Ameresco. He stated that this issue will be brought back to the Fiscal Court in the coming weeks for further discussion. Mr. Roth stated that he understands that other counties have had more than one company submit proposals. Mr. Horine replied that last summer the Fiscal Court advertised for qualified companies to submit proposals for the energy savings performance contract; Ameresco's was the only proposal received. The proposal was deemed to be in compliance and in September the Fiscal Court accepted the proposal of Ameresco. Mr. Horine affirmed Mr. Roth's statement that the use of the federal stimulus funds does not have to meet the State's requirements. Judge Pendery pointed out that the advantage of using a company like Ameresco is that they provide a guarantee and other services.

A member of the audience stated that he does this type of energy management work on a regular basis, and he did not see the advertisement to bid on this project. There are several large contractors that do electrical upgrades, but nobody had an opportunity to submit a bid. Robert Horine offered to give them a copy of the State statute governing the qualifications of contractors, but he doubts that there is an electrical contractor in the Greater Cincinnati area that could meet these very specific requirements. Commissioner Hayden stated that the Ameresco

proposal does not have the support of the majority of the Fiscal Court and is not on for a vote tonight, so he is not sure why this discussion is relevant. He stated that the issue is the use of the federal stimulus funds to improve energy savings, particularly through a lighting project. A member of the audience stated that he could check into offering a guarantee and he believes that Duke Energy does offer a savings guarantee. Judge Pendery pointed out that the average contractor would have a problem qualifying because they may not meet certain financial standards required under Kentucky law to offer a guarantee. He further pointed out that the general contractor and most of the contractors that worked on the new County Administration Building are local contractors. JR Roth asked if the \$275,000 would be spent through a bidding process. Judge Pendery stated that the Fiscal Court has not yet decided on how they will proceed with the stimulus funds. Jim Pfister asked how the original project was put out for bid. Robert Horine replied that it was advertised on the County's website and in the Campbell County Recorder, the County's legal publication of record, and they also directly contacted three companies that were known to be qualified by the State and have done projects of this type in Kentucky. A member of the audience asked why the County is spending this money during a depression. Judge Pendery stated that they are not spending the County's money, and they will save more money in the long run than they spend. Commissioner Otto stated that energy conservation will save taxpayers' money in the future. Robert Horine explained that as part of the stimulus bill passed by Congress in Washington last year, Congress decided to allocate a set amount to counties with population over 70,000. Campbell County did not ask for the money, but was notified that it would receive a little over \$300,000 for an energy efficiency block grant. This money will be spent by somebody, and Campbell County was lucky to get an allocation. If the Fiscal Court sends the money back, it would be given to another community to be used for energy efficiency projects. Judge Pendery stated that many people are angry about the federal government's spending practices, however if the County uses the money in a productive way (for energy efficiency) it will actually save money. A woman from the audience asked that if the savings takes place over a number of years, what is the specific length of time of the contractor's guarantee. Judge Pendery stated that the Fiscal Court is not utilizing that process, but under the State's requirements the guarantee could be in place over the lifetime of the loan. Commissioner Hayden again pointed out that all that they are considering is to accept the federal stimulus funds to improve lighting so that it is more efficient and saves taxpayer dollars in the future. If Campbell County does not accept these funds, they will lose it to another community. Judge Pendery reiterated that the Fiscal Court is not utilizing the State's comprehensive energy savings program process. The State formulated the process to ensure that contractors could live up to the guarantee by being financially and technically qualified. Judge Pendery stated that the federal funds could be used for a number of things, but the Fiscal Court wants to use it in a manner that will result in the biggest savings for the money spent. Commissioner Hayden stated that if the Fiscal Court decides to use the stimulus funds for lighting upgrades and when in the future the lighting needs to be replaced, it will be the decision of that Fiscal Court whether to go back to original lighting or continue with energy efficient lighting. Robert Horine stated that when utility expenses go up, the savings multiply; energy costs have gone up steadily and we can expect that to continue in the future. That is why energy efficiency has a great return on the investment. A member of the audience suggested that the County use the \$250,000 and put the money saved on energy in a bank account to be used for future upgrades. Commissioner Rehtin stated that the Fiscal Court could do just that, spend the stimulus funds on lighting upgrades and reap the savings benefits. He stated that the Fiscal Court is committed to finding the most

efficient use of the federal stimulus funds to save taxpayers' dollars. Judge Pendery stated that there has been a lot of good discussion on this issue and he suggested that they move along with the agenda.

Judge Pendery announced that the Campbell County Office of Emergency Management is providing a Weather Spotter Class for the public in collaboration with the National Weather Service on Tuesday, March 2, 2010 from 6:30 p.m. to 9:00 p.m. at the Fire Training Center in Highland Heights. If anyone is interested in attending this free class, they can RSVP at [eoc@campbellcountyky.org](mailto:eoc@campbellcountyky.org) or at 859-635-1111.

Mr. Seibert then requested a motion to approve the claims and supplemental claims as presented for February 17, 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 Hayden. All voted "AYE" and the motion passed.

Commissioner Otto commented on the County's bills by stating that the County is paying \$56,465.63 to Duke Energy this month on energy bills. If the County can save money by installing energy efficient lighting, then he is all for it.

There being no further business to come before the Fiscal Court, Commissioner Otto made a motion to adjourn, seconded by Judge Pendery. All voted "AYE" and the meeting adjourned at 6:30 p.m.

**Attachments:**

Proclamation	Severe Weather Awareness Month
Resolution R-20-10	Contract with City of Wilder for IT Services
Resolution R-21-10	Agreement with Ky. Department of Housing, Building & Construction
Resolution R-22-10	Application for Recreational Trails Grant
Resolution R-23-10	Application for Safe Havens Grant

Claims and Supplemental Claims of February 17, 2010.

Approved:

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STEVE PENDERY  
Campbell County Judge/Executive

Attest:

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Paula K. Spicer  
Fiscal Court Clerk