

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

May 5, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, May 5, 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
William Turner	Office of Emergency Management Director
Greg Buckler	Jailer
Keith Hill	Police Chief

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

Judge Pendery invited comments from the audience.

Marc Muench, a resident of Campbell County, stated that when he moved to Four Mile Road about 8 years ago, the Sanitation District No. 1 (SD1) had a master plan that called for sanitary sewers to eventually be installed on Four Mile Road. He heard that a sewer line was going to be run down Four Mile Road, but then found out that it was nothing more than a "force main" that would push sanitary waste up to the pump station, and bypassing the residents of Four Mile Road. Mr. Muench read a letter which he drafted to Jeff Eger, General Manager of SD1, requesting that they consider installing a line along the force main which the property owners

could tap in to get sanitary sewer service. He requested that the Fiscal Court look into this situation and ask SD1 what their plans are for the area.

Erik Hermes, Campbell County resident, asked to share his view on the upcoming smoking ban legislation. He agrees that smoking, among other things, is not good for people, but he doesn't believe that it is a good reason to ban it from public places. He believes that most people recognize that it is unhealthy and that there are fewer people smoking. However, part of being an American is having the right to choose whether to smoke, and businesses should have the right to decide whether to allow smoking in their establishments. Mr. Hermes stated that Campbell County does not need to follow the lead of Boone and Kenton Counties, it needs to stand up for what is right.

Judge Pendery introduced representatives from the Cincinnati Chapter of the American Red Cross: Susan Redman-Rengstorf, Carl Biery and Michelle McMullen. Ms. Redman-Rengstorf, Chief Development Officer introduced other "Red Crossers" who were present that are Northern Kentucky residents, pointing out that Carl Biery, a Northern Kentucky resident, is a 40-year volunteer with the Red Cross and serves as the Disaster Action Team Leader. She stated that 30 of the 79 full time staff at the Red Cross are from Northern Kentucky. Ms. Redman-Rengstorf stated that the Mission of the Red Cross is simply to provide disaster relief to victims, and to help people prevent, prepare for and respond to emergencies. The Red Cross has over 700 chapters in the United States, chapters in US territories and in many US military bases. They have over 2,000 volunteers which are on call 24/7. Ms. Redman-Rengstorf gave a brief history of the American Red Cross and the regional chapter. There are two mandates under their congressional charter: respond to disasters and support the military. These are unfunded mandates. The Red Cross is a private non-profit organization which receives 50% of their \$10 million operating budget from United Way and the balance is dependent on private donations. Ms. Redman-Rengstorf cited statistics of daily activities of the Red Cross. Carl Biery presented some statistics regarding assistance provided in the three Northern Kentucky Counties, and particular events that they have responded to over the last few decades. Mr. Biery explained that the Red Cross also provides "aid in kind" for emergency responders. All of their volunteers are well-trained and very dedicated. Ms. Redman-Rengstorf closed by stating that disasters have changed over the years. When the Red Cross first started they were mainly natural disasters caused by weather, however over the last 20 years they are dealing with more manmade disasters, chemical spills and even terrorists' attacks. Consequently, the Red Cross has had to adjust and adapt their facilities as evidenced by their new building on Dana Avenue in Cincinnati, Ohio. She invited everyone to attend the grand opening and open house on June 21, 2010. Judge Pendery stated that they are grateful for all of the work that the Red Cross does for the community.

J R Roth stated that there is an item on the agenda regarding insurance for horse trails, and he wanted to say that he is against it, even though he has a farm. He doesn't understand the redistribution of the wealth for the horse people only. It seems like a very narrow segment of society that would be getting insurance from county funds. Judge Pendery replied that they would discuss it later in the meeting. He stated that there were horse trails in the park before there were other kinds of trails, and it was discovered that there was an exclusion in the insurance policy for the existing trails which needs to be covered. Mr. Roth wondered if the people using the trails shouldn't be paying for the insurance.

Melissa Williams presented old business beginning with a second reading of Ordinance O-04-10 which was read by title and summary given. O-04-10 adopts the 2010 S-20 Supplement to the Code of Ordinances of the County of Campbell, Kentucky (July 1, 2009 through December 31, 2009). The Code of Ordinances is updated biannually; this supplement includes legislation passed from July 1, 2009 through December 31, 2009. Commissioner Rehtin made a motion to adopt O-04-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to proclaim May 9 through May 15, 2010 as Police Memorial Week in Campbell County and all citizens are urged to join in commemorating law enforcement officers past, and present, and further proclaiming May 15, 2010 as Peace Officer's Memorial Day in honor of those law enforcement officers who through their courageous deeds have made the ultimate sacrifice in service to their community or have become disabled in the performance of their duties. This proclamation was requested by Police Chief Keith Hill. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. Judge Pendery read the proclamation then presented it to Chief Hill. All voted "AYE" and the motion passed.

Ordinance O-06-10, presented for a first reading, was read by title and summary given. O-06-10 amends Campbell County Ordinance O-19-87 amended and last amended by Ordinance O-04-09 relating to the Campbell County Detention Center Policy and Procedure Manual, Chapter Two, Personnel, to delete said Chapter from the current Policy and Procedure Manual, and adopting a new separate Personnel Manual for Campbell County Detention Center employees. Greg Buckler recommended that the Personnel Manual for jail employees be separated from the Jail Manual. A copy of the proposed Personnel Manual has been available for the last three weeks in the Commissioners' office for review. Jim Daley, the County Attorney, has reviewed the manual as well. Ms. Williams stated that this is a first reading only, therefore no action is necessary.

Resolution R-59-10 was read by title and summary given. R-59-10 authorizes the Judge/Executive to execute an agreement with Kellwell Food Management for food services at the Campbell County Detention Center. Ms. Williams explained that the contract for food preparation at the jail is in the amount of \$577,156.25 and effective July 14, 2010; this will be a cost savings for the County. Commissioner Rehtin made a motion to adopt R-59-10, seconded by Commissioner Hayden. Greg Buckler explained that he has been studying this for the last eight months, and determined that the contract will save the County about \$30,000 per year. When the jail addition study was performed some years ago, the consultant projected that the County may start contracting for some services at the jail. Since then the County has contracted for medical services, and now food services. The three employees presently working in the kitchen will be reassigned to positions that were vacated and left unfilled. The cost is based on inmate population. Mr. Buckler stated that he surveyed other jails in Kentucky, got the names of two food service providers and asked them to submit proposals. He also visited two facilities that are operated by Kellwell. The contractor provides all labor, food and cleaning. Commissioner Hayden stated that contracting services is an excellent approach to saving taxpayers' money. Judge Pendery stated that it not only saves money, but also lessens the County's liability to a certain extent and relieves the County of issues related to meeting food service requirements. Commissioner Hayden asked if the jail uses food as an incentive for good behavior. He stated that Hamilton County Jail serves different food to inmates who have disciplinary problems. Mr. Buckler replied that they are prohibited from using food as a punishment for bad behavior; however they do use it as an incentive. They have cleaning

contests where inmates with the cleanest dorms are rewarded with ice cream or pizza. All voted "AYE" and the motion passed.

Resolution R-60-10 was read by title and summary given. R-60-10 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 by KOHS to facilitate and administer the project and to act as the authorized correspondent for this project. This application is being made jointly by Campbell and Kenton Counties and will provide \$89,944.00 in funding to update the communicators used in both Counties Offices of Emergency Management. Commissioner Rehtin made a motion to adopt R-60-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-61-10 was read by title and summary given. R-61-10 adopts Chapters 5K, 5L, 5M and 5N to the Campbell County Police Policy and Procedure Manual. These four new policies entitled 5K "Foot Pursuit", 5L "Safe Infant Act", 5M "Missing Persons" and 5N "Persons of Diminished Capacity" need to be adopted to maintain Kentucky Police accreditation. Chief Hill recommends adoption of the new policies which have been reviewed by the County Attorney. Commissioner Rehtin made a motion to adopt R-61-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-63-10 was read by title and summary given. R-63-10 adopts revisions to Chapters 1A, 10A and 13E of the Campbell County Police Policy and Procedure Manual. The Chapters to be revised are titled 1A "Authority of Procedural Manual", 10A "Use of Force" and 13A "Less-Lethal Weapons". Commissioner Rehtin made a motion to adopt R-63-10, seconded by Judge Pendery. Chief Hill explained that Chapter 13A "Less-Lethal Weapons" was changed from "Non-Lethal Weapons" upon the advice of the Kentucky Association of Counties' (KACo) attorney. All voted "AYE" and the motion passed.

A motion was requested to appoint Jacob Ripberger to the part time position of Starter/Hospitality Worker at A J Jolly Golf Course effective May 5, 2010 with compensation set at Grade 4A (\$7.64/hr). Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to promote Steve Kush from Patrolman Grade II to Patrolman Grade III with salary adjustment from Grade 10D (\$19.556/hr) to Grade 11C (\$20.0326/hr) effective May 1, 2010 in accordance with the current agreement with the FOP. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-62-10 was read by title and summary given. R-62-10 authorizes the purchase of insurance for horse trails at A. J. Jolly Park. Robert Horine explained that there have been horse trails in A. J. Jolly Park since 1995. At that time, the County had an agreement with the Northern Kentucky and Bluegrass saddle clubs to develop and maintain the trails; however the trails fell into disrepair and were closed in 2006. The next year the County was approached by local riders who offered to fix the trails. Those riders formed the Northern Kentucky Horse Network Inc. To date they have spent over 1800 hours and secured a \$10,000 grant to improve the trails; they hope to complete a new section by the end of June 2010. The County now wishes to formalize the agreement with the Horse Network, and initially told them that they'd need to get liability insurance. The Network was unable to secure insurance, so the County contacted its

insurance carrier, KACo, and found that the current policy excluded any activities involving horses. Subsequently KACo has obtained a policy for the County at an annual cost of \$6,141. Mr. Horine stated that they are drafting a Memorandum of Understanding with the Horse Network, which includes a provision that riders must purchase a trail tag which will help offset the cost of the insurance. Commissioner Rehtin questioned an action by the General Assembly regarding relieving farm owners who allow riders on their property from liability. Jim Daley stated that there are some statutes providing no liability on behalf of governmental entities that have horse trails. However, these statutes have not been tested, also some of the trails go across private property. Commissioner Rehtin stated that if a farm is used for “agri-tourism” such as the farmland tour, it is free of any liability. He also wondered if “sovereign immunity” would be applicable. In response to Commissioner Rehtin’s question, Mr. Horine stated that KACo did try to get quotes for the insurance, and this is the only company that responded; they also insure other counties in Kentucky. Commissioner Hayden asked if riders are required to sign a release, and suggested that it be required when a tag is purchased. Mr. Horine replied that riders do not sign a release. There is a sign and a County ordinance stating that people ride at their own risk. Mr. Daley advised that he is drafting a release. Commissioner Otto asked if this situation is not similar to the agreements with the various soccer and knothole associations using the County’s facilities. He stated that even though some citizens may not utilize certain facilities/services of the County, the County still needs to provide good services to its citizens. Commissioner Hayden stated that the Horse Network has done a good job on the trails, and the County needs to support their efforts and continue to allow horseback riding in the park. Commissioner Rehtin made a motion to adopt R-62-10, seconded by Commissioner Otto. All voted “AYE” and the motion passed.

Judge Pendery announced that Campbell County ranks a little above the state and national average for return of census forms. He stated that it costs the federal government \$57 for each home required to be visited by a census worker due to individuals not returning their questionnaires.

Commissioner Otto asked for an update on how much the County has paid in legal fees in the Nolan lawsuit. Robert Horine stated that the original decision of the Circuit Court was appealed by Mr. Nolan to the Kentucky Court of Appeals. Briefs have been filed by both parties and they are waiting for the case to be assigned to a panel and be heard. To date the County has expended about \$60,000 for legal costs.

Commissioner Otto stated that Tim Nolan was recently appointed to the Board of Elections and now wants to spend \$1,200 for something for the use of the voters, which may not be available in time for the primary election day. It seems to him that Mr. Nolan has a knack for spending the County’s money. J R Roth, citizen, stated that he did see the \$1,200 protector that he will put his ballot in, so that nobody can see it. Commissioner Otto stated that the \$1,200 and the \$60,000 for legal fees is a terrible waste of taxpayers’ money.

Jim Seibert requested a motion to authorize staff to solicit bids for Road Department materials including stone, culvert pipe and liquid asphalt and road salt if the salt is not procured through the reverse auction process. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted “AYE” and the motion passed.

A motion was requested to acknowledge that the Judge/Executive has provided a draft General Fund Fiscal Year 2011 budget to the County Commissioners in compliance with the Kentucky Revised Statutes. Motion was made by Commissioner Otto, seconded by Commissioner Rehtin. Commissioner Rehtin asked if there will be changes made. Mr. Seibert stated that this is preliminary, and there will be changes. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims and supplemental claim as presented for May 5, 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 Rehtin made a motion to adjourn, seconded by Commissioner Otto. All voted "AYE" and the meeting adjourned at 8:07 p.m.

Attachments:

Ordinance O-04-10 Adopt Supplement to Code of Ordinances (S-20)
Proclamation Police Memorial Week and Peace Officer's Memorial Day
Ordinance R-06-10 Amend Campbell County Detention Center Manual
Resolution R-59-10 Contract for Food Service at Campbell County Detention Center
Resolution R-60-10 Application for Kentucky Office of Homeland Security Funds
Resolution R-61-10 Amend Police Policy and Procedure Manual
Resolution R-63-10 Amend Police Policy and Procedure Manual
Resolution R-62-10 Authorize Purchase of Insurance for A J Jolly Park Horse Trails
Claims and Supplemental Claim of May 5, 2010

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk