

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

January 5, 2011

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, January 5, 2011, 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:
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN**

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Steve Franzen	County Attorney
Jim Seibert	Fiscal Director
Paula Spicer	Fiscal Court Clerk
Keith Hill	Police Chief
Peter Klear	Director of Planning and Zoning
David Plummer	Solid Waste Coordinator
Naguanda Deaton	Director of Human Resources
William Turner	Director of Office of Emergency Management

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.

Judge Pendery welcomed the new Fiscal Court members. He then announced that the number of people in the room would have to be limited to the number allowed by the fire regulations.

Minutes from the Fiscal Court meeting of December 15, 2010 were presented. Motion was made by Commissioner Rechtin, seconded by Commissioner Garrett, to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery asked if anyone would like to address the Fiscal Court on any issue other than smoking.

Dan Hull suggested that the Fiscal Court eliminate the Campbell County Police Department. He stated that the Police Department does not believe in the law, and gave as an example an incident where he was cited for not wearing a seat belt. Mr. Hull stated that he does not smoke, but if a business owner wants to allow smoking or prohibit it in his establishment, it should be his right to do so.

JR Roth, League of Kentucky Property Owners, Tea Party, and Campbell County citizen, stated that he attended the "Oath of Office" ceremony and the number of people in the room was once again over capacity. If the Fiscal Court is holding an event such as that they should consider using a bigger place that can handle the crowd.

Judge Pendery pointed out that there is nothing officially on the agenda dealing with smoking. He believes that it may be brought up later in the meeting, however there will be no legislative action tonight. Judge Pendery started to call the names of those who signed up to speak at the meeting. The following persons addressed the Fiscal Court regarding the smoking regulations: Alan Bernstein, Charlie Coleman, Charles Price, Ken Moellman, Arlene Johnson, John Hayden, Sue Brooker, Lee Hanna, Don Hilker, Jonathan Leap, Lois Miller, Erik Hermes, Ken Moellman, Jr., Jason Cox, JR Roth, Michelle Eversole, Rose Troche, Jeremy Engel MD, Tom Murphy, Tyler Tipton, and Kevin Gordon. The Northern Kentucky Restaurant Association, through Mr. Bernstein, went on record in opposition to the smoking ban. Business owners in attendance stated that they are worried that they will lose business because of the ban and also due to the fact that Kenton and Boone Counties do not have comprehensive smoking bans. The Fiscal Court was reminded that six Campbell County Cities adopted resolutions in opposition to the ban and that petitions containing 1,000's of signatures had been submitted opposing the ban. Opponents also stated that this is a personal rights and business owners' rights issue. The proponents of the ban stated that this is a public health issue and cited some statistics on smoking-related illnesses and deaths. The new members of the Fiscal Court were asked to give the ordinance a chance to work.

David Plummer presented a report to the Fiscal Court on the Campbell County Fall Cleanup which was held on November 12, 13 and 14, 2010. He advised on the types of items that were turned in and how many tons of waste were brought to the cleanup. He next reported on the Household Hazardous Waste Fall event that was held at Turfway Park on November 6, 2010. He listed the kinds of items that were brought in and changes that were made since the previous event to make it quicker and more efficient for residents to drop off unwanted items. Finally, Mr. Plummer reported on the Trash for Cash program. This program has become very popular as a fundraiser for nonprofit organizations. Mr. Plummer announced that the Christmas Tree recycling event will continue through January 7, 2011. He then answered questions from the audience.

Melissa Williams presented old business beginning with Ordinance O-14-10 which was read 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 ordinance was presented for a second reading and vote. Commissioner Rehtin made a motion to adopt O-14-10, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

New business was presented next with Resolution R-02-11 which was read by title and summary given. R-02-11 authorizes the Judge/Executive to execute the Waste Tire Grant Agreement for reimbursement of future or previously disposed tires. Under this Agreement, the County will be reimbursed up to \$3,000 to cover the cost of waste tire disposal from the County's 2010 Fall Cleanup; the total cost of the tire cleanup was \$7,382.08. Commissioner Rehtin made a motion to adopt R-02-11, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-03-11 was read by title and summary given. R-03-11 adds "Solitude Lane" (heretofore an unnamed, private drive) to the uniform street addressing system for unincorporated Campbell County. This is a private drive and the residents have agreed to pay for the street signs. With the addition of this street, the addresses will now be included in the 911 emergency system. Commissioner Rehtin made a motion to adopt R-03-11, seconded by Judge Pendery. Peter Klear advised that this action does not accept the road for maintenance. All voted "AYE" and the motion passed.

Resolution R-04-11 was read by title and summary given. R-04-11 authorizes the Judge/Executive to execute an extension to the access agreement between Campbell County Public Properties Corporation and Rohm and Haas Chemicals LLC regarding the installation of monitoring wells at the Campbell County Animal Shelter. This agreement was originally entered into in 2001 to allow installation of monitoring wells on the Animal Shelter property in connection with an environmental cleanup on adjacent property owned by Morton International. An extension of the Agreement has been requested to continue the cleanup which is almost complete. Ms. Williams explained that the County has received regular reports on what has been found through the cleanup, and will receive a final report at its completion. To date, there has been no contamination found on the Animal Shelter property. Commissioner Painter made a motion to adopt R-04-11, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-05-11 was read by title and summary given. R-05-11 relates to the adoption of the revised Campbell County Emergency Operations Plan, prescribing the regulations governing disaster and emergency mitigation, preparedness, response and recovery services in and for Campbell County, Kentucky. This plan is considered a "secure document" containing some information that is not intended to be shared or transferred for security reasons. Commissioner Rehtin made a motion to adopt R-05-11, seconded by Judge Pendery. In answer to Commissioner Painter's questions, William Turner explained that there is a separate document called an Emergency Resource List containing contact information for various agencies that may be contacted in emergencies; this List it is about as large as the plan itself. Commissioner Painter suggested that it may be helpful to have the organizational chart, operations plan template and phone numbers reduced to a laminated document. Mr. Turner stated that contacts are generally made through the communicator system rather than using a calling tree, but Commissioner Painter's suggestion is a good idea in case the computer system would fail. Mr. Turner stated that they use a checklist and a lot of the needed information is contained on the checklist. He stated that they have worked on this plan for about 18 months, and Campbell County is the first county to get a concurrence letter from the State on its plan. The Plan was put onto a jump drive due to its size, and they are looking into putting it on the internet, password and log-in protected. All voted "AYE" and the motion passed.

Resolution R-06-11 was read by title and summary given. R-06-11 authorizes the Judge/Executive to execute a Commonwealth of Kentucky Statewide Emergency Management Mutual Aid and Assistance Agreement to provide mutual aid and assistance to other parties to the agreement in time of emergency or disaster. This Agreement is a statewide compact for the sharing of resources, personnel and equipment across county lines during times of disaster and emergency. Commissioner Garrett made a motion to adopt R-06-11, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-01-11 was read by title and summary given. R-01-11 appoints Campbell County Fiscal Court employees pursuant to KRS 67.710(7). Judge Pendery explained that at the beginning of each new term of office, the Fiscal Court must approve the appointment of personnel to County positions. Judge Pendery made a motion to adopt R-01-11, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Melissa Williams then presented a number Executive Orders for adoption. A motion was requested to appoint Robert Horine III to the position of County Administrator and to approve an employment agreement effective January 1, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Robert Horine III to the position of Deputy Judge/Executive with no change in grade or compensation effective January 5, 2011. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to reappoint Kenneth J. Schultz to the position of County Road Supervisor/County Road Director commencing January 5, 2011 for a term of four years as required by KRS 39.415 with no change in current grade or compensation. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint William Turner to the position of Director of the Office of Emergency Management commencing January 5, 2011 for a term of four years as required by KRS 39.415 with no change in current grade or compensation. Motion was made by Judge Pendery, seconded by Commissioner Painter.

A motion was requested to reappoint Paula K. Spicer as Fiscal Court Clerk effective January 5, 2011 with no change in compensation. Ms. Williams stated for the record that the County Clerk has declined to be appointed as Fiscal Court Clerk. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Taunya Nolan Jack to the position of Law Library Clerk with compensation set at \$1,200.00 annually effective January 5, 2011. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to approve and extend the current agreement with the Campbell County Fraternal Order of Police (FOP) Lodge 10 – Campbell County Officers Committee until June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. Robert Horine explained that the FOP Agreement expires on June 30, 2011, and the AFSCME Agreement

expired on December 31, 2010, however the Fiscal Court has the option to extend it for six months which he recommends. All voted "AYE" and the motion passed.

A motion was requested to approve and extend the current agreement with the Campbell County Road and Recreation Departments, Local 286, American Federation of State, County and Municipal Employees (AFSCME) AFL-CIO until June 30, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to promote David Schultz and T J Brocker from the position of Road Maintenance Specialist Level I to Road Maintenance Specialist Level II with compensation adjusted from \$19.9201/hour to \$22.1336/hour in accordance with the AFSCME Working Agreement effective January 5, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint the following officers to the Campbell County Public Properties Corporation effective January 5, 2011: Steve Pendery as President, Ken Rehtin as Treasurer, Brian Painter as Secretary and Pete Garrett as Director. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint the following officers to the Campbell County Public Parks Corporation effective January 5, 2011: Steve Pendery as President, Ken Rehtin as Treasurer, Pete Garrett as Secretary and Brian Painter as Director. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Judge/Executive Steve Pendery to the Northern Kentucky Port Authority Board of Directors with Robert Horine as his alternate for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Commissioner Ken Rehtin to the Municipal Government League of Northern Kentucky (MGLNK) with Commissioner Brian Painter as his alternate for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Judge/Executive Steve Pendery to the Northern Kentucky Area Development District (NKADD) Board of Directors with Robert Horine as his alternate for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Judge/Executive Steve Pendery to the Ohio-Kentucky-Indiana Regional Council of Governments Board of Directors with Melissa Williams as his alternate for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Judge/Executive Steve Pendery to the Northern Kentucky Solid Waste Authority with David Plummer as the alternate for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Commissioner Brian Painter to the Northern Kentucky Solid Waste Authority with Commissioner Pete Garrett as the alternate for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-07-11 was read by title and summary given. R-07-11 establishes the working committees of the Fiscal Court. This resolution sets the working committees of the Fiscal Court and appoints their members as follows: Budget Committee – Commissioners Painter and Rehtin, Roads and Parks Committee – Commissioners Garrett and Rehtin, Public Safety/Detention Center Committee – Commissioners Garrett and Painter, Facilities/Properties Committee – Commissioners Painter and Rehtin, Information Technology Committee – Commissioners Garrett and Rehtin, and Health and Welfare Committee – Commissioners Garrett and Painter. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to reappoint Central Fire Chief Gerald Sandfoss to the Campbell County Consolidated Dispatch Board for a two year term effective January 23, 2011 through January 22, 2013. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Dr. Steve Hiltz as the alternate for Judge/Executive Steve Pendery on the Northern Kentucky Independent District Health Department Board for a four year term effective January 5, 2011 through December 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to recommend to the Kentucky Department for Public Health the reappointment of Dr. Richard E. Schuck OD, David K. Noran PE and Ken Walters, citizen, to the Campbell County Local Board of Health, each for a two year term effective January 1, 2011 through December 31, 2012 pursuant to KRS 212.020. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Judge Pendery explained that the reason that he makes the motions on personnel issues or appointments is because that is the way that the law is set up.

Robert Horine stated that he appreciates the opportunity to continue to work with Judge Pendery and the members of the Fiscal Court and on behalf of the citizens of Campbell County. He has enjoyed his tenure here and looks forward to the next four years.

Steve Franzen stated that he has met with the former County Attorney and his staff to effect the transition of his taking office. He appreciates the assistance that they've given him and the assistance from the Fiscal Court staff.

Mr. Franzen stated that there will be an addendum to the Interlocal Agreement for cable television that was approved earlier in the meeting. He stated that the County Administrator should be receiving something in the next 5-6 weeks.

Commissioner Rehtin stated that it is gratifying to be able to work for Campbell County for the next four years. He looks forward to working with his new fellow Commissioners.

Commissioner Painter stated that he has been most welcomed by Judge Pendery and Fiscal Court staff; they have made him feel at home and he is ready to start work for the County. He thanked everyone for attending the meeting tonight and for their input.

Commissioner Garrett stated that he appreciates the help given to him by the Fiscal Court staff over the last couple of weeks. He has had several good meetings and feels welcome.

Commissioner Garrett requested that the County Attorney prepare an ordinance repealing Ordinance No. O-12-10, the smoking ban, for the next regular meeting. The motion was seconded by Commissioner Painter. Commissioner Rehtin stated that there has been a lot of good discussion on this issue over the last four years. He believes that there is a genuine concern about the health and safety of Campbell County residents. He requested that Robert Horine investigate the possibility of finding a way to warn patrons and to educate. He further requested that Mr. Horine contact the other two counties to see if there is a consensus on legislation that would require a warning placard on an establishment that is open to the public and permits smoking to warn patrons before coming in. Commissioners Garrett, Painter and Rehtin voted "AYE" and the motion passed. Judge Pendery voted "NAY".

Judge Pendery reminded everyone about the Christmas Tree Recycling program, and stated that more information can be obtained from the County's website.

Jim Seibert requested a motion to acknowledge acceptance of the Bonds for appointed and elected officials of the Campbell County Fiscal Court. This action is taken each year. He noted that the position bonds include deputy jailers who are authorized to accept Bond Release Fees per KRS 431.5305 when the Circuit Court Clerk's office is not available and when authorized by the Jailer. Motion was made by Commissioner Rehtin, seconded by Judge Pender. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for January 5, 2011. County Attorney Steve Franzen stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. 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 Painter. All voted "AYE" and the meeting adjourned at 8:57 p.m.

Attachments:

Ordinance O-14-10 Interlocal Agreement for Cable Television
Resolution R-02-11 Waste Tire Disposal Grant
Resolution R-03-11 Add Solitude Lane to Uniform Street Addressing System
Resolution R-04-11 Renew Access Agreement with Rohn and Haas Chemicals LLC
Resolution R-05-11 Adopt 2010 Update to the County's Emergency Operations Plan
Resolution R-06-11 Execute Statewide Mutual Aid and Assistance Agreement
Resolution R-01-11 Appoint Campbell County Fiscal Court Employees
Resolution R-07-11 Make Appointments to Working Committees
Claims of January 5, 2011

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk