

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

January 19, 2011

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, January 19, 2011, 5:30 p.m. at the Campbell County Fiscal Court Chambers at 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 proposed issuance of an Entertainment Permit for Michelle Renae Willoughby d/b/a J & G Cafe, located at 4184 Mary Ingles Highway, Highland Heights, Kentucky. Present at the hearing were:

Steve Pendery, Campbell County Judge Executive
Pete Garrett, County Commissioner
Brian Painter, County Commissioner
Kenneth Rechtin, County Commissioner
Steve Franzen, 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, Director of Planning and Zoning
David Plummer, Solid Waste Coordinator

Steve Franzen, County Attorney, opened the public hearing on the application of Michelle Renae Willoughby for an Entertainment Permit for J & G Cafe. Ms. Willoughby was present. Mr. Franzen explained that Ms. Willoughby has advertised her application for an entertainment permit as required by law. The County Attorney's office with the assistance of the Campbell County Police Department conducted an investigation of the owner and the bar also as required by law. As a result, the County Attorney recommends that the Permit be granted. Mr. Franzen asked if there were any questions, there being none, the public hearing was closed at 5:22 p.m.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN

Robert Horine
Melissa Williams
Steve Franzen

County Administrator
Director of Administration
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
Dennis Reller	Director of Parks and Recreation

The meeting was called to order at 5:30 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 regular meeting of January 5, 2011, and special meeting of January 10, 2011 were presented. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett, to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery administered the Oath of Office to Patrolmen Robert Dieman III and Jim Snider.

Judge Pendery called on Rob Hans, Chief District Engineer, District Six, Kentucky Transportation Cabinet, to report on projects recommended for the Rural Secondary Road Program. Mr. Hans explained that each year the Department of Rural and Municipal Aid must present to the Fiscal Courts how the Rural Secondary Road Program funds are spent. The Department for Rural and Municipal Aid has requested that the Highway Department present the recommendations. He then identified the four classifications of roadways in Kentucky, which include 183 miles of roadway in Campbell County. Andy Yeager advised that Campbell County's allotment this year is \$631,212, a 5% increase over last year. He explained how this amount is allocated and listed the projects that they recommend and the possible "flex fund" projects. Judge Pendery advised that these recommendations will be reviewed by the County's road supervisor and the County will take action at a later date. Mr. Hans explained that the formula for allocation of funds among the counties is based on area, population and road miles. He addressed questions about funding and the life expectancy of road pavement. Mr. Hans advised that the District Six staff meets quarterly with the three County Judge/Executives to discuss and update them on current and proposed projects.

Judge Pendery invited comments from the audience on any subject other than the smoking regulations.

JR Roth asked if the County's number of employees has increased. Judge Pendery stated that there are a certain number of authorized personnel and the County generally operates below that number. The police officers that were sworn in tonight are not additions, they are replacements.

JR Roth stated that the Sanitation District #1 is requesting a 15% rate increase. He doesn't understand for example, how a connection fee can increase \$60,000 in one year. Judge Pendery advised that the Sanitation District will be holding three public hearings in connection with the rate increase; one will be held at the Campbell County Middle School on January 27, 2011 at 6:00 p.m. Mr. Roth stated that the Fiscal Court should oppose the increase on behalf of the citizens of Campbell County. Judge Pendery explained the history of the court-supervised

consent decree that the Sanitation District must comply with. The Sanitation District is trying to comply in the most efficient way possible. Mr. Roth stated that the Fiscal Court should refuse to comply with the EPA mandates and challenge it in court.

Kevin Gordon stated that the hillside coming up from Route 9 is in poor condition and really dangerous. He requested that the Fiscal Court urge the State to fix this road.

Melissa Williams presented new business beginning with a reading of Ordinance O-01-11 by title and summary given. O-01-11 adopts a revised fee schedule to include State-mandated fees for heating, ventilation and air conditioning (HVAC) inspection services. The Kentucky legislature in 2007 adopted a bill requiring that all new heating, ventilation and air conditioning systems be inspected by a state-licensed HVAC inspector effective January 1, 2011. Campbell County's inspectors are allowed to perform this service; however the County's fees must match the state mandated fee schedule. Ms. Williams advised that this is only a first reading, and that no action is required at this time. Tom Murphy stated that the inspectors should not only inspect the equipment, but need to perform a thorough inspection including the mechanical design of the building.

A member of the audience requested that when people get up to speak, they state what county they live in.

Resolution R-08-11 was read by title and summary given. R-08-11 provides for commercial HVAC permit review and inspection services for the City of Fort Thomas. The City of Ft. Thomas requested that Campbell County's Building Inspectors provide the required commercial HVAC permit review and inspection services for the City. Commissioner Rechtin made a motion to adopt R-08-11, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Ordinance O-02-11 was read by title and summary given. O-02-11 relates to the repeal of Ordinance O-12-10 commonly known as the smoke-free ordinance. This ordinance was prepared by the County Attorney at the request of the Fiscal Court at its January 5, 2011 meeting. This is a first reading of the ordinance and no action will be taken at this meeting. Judge Pendery stated that a number of people have signed up to speak and asked that they be considerate of everybody's views and limit remarks to two minutes. He proceeded to call the following people who signed up to speak: Connie Riegler, Jenny Beene-Skuban, Ginny Kelley, Jim Cline, Bob Clements, Chris Flowers, Paul King, Ken Moellman, Sr., Marjorie Hull, Janet Jackson, Dennis Nafus, Ken Moellman, Jr., Steve Duechle, Charles Coleman, Jennifer Mason, Terry Bond, Kathy Nafus, Rita Hauke, JR Roth, Jason Cox, Carl Fox, Peter Cabrel, Jeremy Cox, Dr. Larry Brennan, Dr. Ellen Hahn, Tyler Tipton, Don Hilker, Joe Powers, Erik Hermes, Dr. Rob Tracy, Joan Gregory, Sue Brooker, Debra Vatre, Kevin Gordon, Cara Stewart, Dr. John Minzer, Dr. Todd Cook, Ashley Tongret, Sheila Beatty and Tom Murphy. The majority of the speakers were in favor of keeping the smoking ban and at least giving it a chance. They cited concerns about health problems caused by second hand smoke and the health of employees in establishments where smoking is permitted. Those who want the ban repealed cited property owners' rights, freedom of choice, loss of business and allowing the free market to prevail. One individual asked if the Fiscal Court would be liable for deaths caused by second hand smoke if the ordinance was repealed. The County Attorney replied that he does not believe that the Fiscal Court would have any liability.

The Fiscal Court recessed at 8:23 p.m. and then reconvened the meeting at 8:34 p.m.

Ms. Williams requested a motion to appoint Michael Dutle, Terry Flynn and Lee Hanna to the Campbell County Board of Ethics each for a one year term effective February 1, 2011 through January 31, 2012. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Ken Rehtin to the Ohio-Kentucky-Indiana Regional Council of Governments to a one-year term effective January 19, 2011 through December 31, 2011. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Steve Franzen stated that he was impressed with the Campbell County Detention Center and how it is operated after their tour of the facility. He commended Greg Buckler, Jailer, on the management of the jail.

Commissioner Garrett stated that he too was impressed with the jail when they toured it.

Commissioner Painter thanked the people who came to the meeting and spoke; it is good to hear comments on such a controversial issue.

Commissioner Rehtin agreed that Greg Buckler does a great job operating the jail. He stated that Mr. Buckler does his best to mitigate liability to the County in addition to operating the jail in a financially efficient manner. Commissioner Rehtin stated that it costs the County about \$9 million a year to operate the jail. He also thanked those people who attended the meeting and expressed their opinions. Commissioner Rehtin stated that the best way to decrease smoking and the incidence of cancer is to increase the cost of the product. The number one way to do that is to increase the tax on the product; he would wholeheartedly support that.

Judge Pendery announced that the quarterly Campbell County Mayor's Meeting will be held on Tuesday, January 25, 2011 at 7:30 a.m. at the Fiscal Court Chambers.

Judge Pendery announced that the FOP Lodge 10 is hosting a Benefit Dance for Office Mike Coppage and his family on Saturday, January 22, 2011 at the FOP Lodge on Mary Ingles Highway from 7:00 p.m. to 1:00 a.m. The purpose of the benefit is to assist the family of Officer Coppage after the recent unexpected death of his wife.

Jim Siebert presented Resolution R-09-11 by title and summary given. R-09-11 authorizes the County Judge/Executive to execute a contract with the United States Marshals Service relating to the Housing of federal detainees at the Campbell County Detention Center. This agreement increases the per diem reimbursement rate from \$43.48 to \$47.50 per federal inmate housed at the Campbell County Detention Center. Mr. Siebert stated that this increase will be quite an improvement to the County's budget. Judge Pendery stated that the Federal government actually pays what it costs to house their inmates, while the State only pays \$31.34 per day and a portion of medical costs. Commissioner Rehtin made a motion to adopt R-09-11, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to acknowledge acceptance of the Bonds of County Surveyor Joseph Kramer and Constable Ken Warden. Motion was made by Judge Pendery, seconded by Commissioner Painter. Commissioner Rehtin advised that Constable Warden participated in training offered by the State; he was very impressed with what he heard about the program. All voted "AYE" and the motion passed.

A motion was requested to approve the purchase of two 72" diesel Exmark Finish Mowers for use by the County Recreation Department using the Kentucky State Contract pricing. The total cost for both mowers is \$24,900 and it is budgeted. Motion was made by Judge Pendery, seconded by Commissioner Garrett. Dennis Reller stated that the mowers are being purchased from Cottingham True Value in Campbell County who also can provide service and parts for the mowers. The mowers will be used in A. J. Jolly Park. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims and supplemental claims as presented for January 19, 2011. County Attorney Steve Franzen stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. 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 Judge Pendery. All voted "AYE" and the meeting adjourned at 8:45 p.m.

Attachments:

Ordinance O-01-11 Adopt Revised Fee Schedule for HVAC Inspection Services
Resolution R-08-11 Interlocal Agreement with Ft. Thomas for Inspection Services
Ordinance O-02-11 Repeal Ordinance O-12-10
Resolution R-09-11 Contract with US Marshals Services to House Federal Prisoners
Claims and Supplemental Claims of January 19, 2011

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk