

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

July 6, 2011

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, July 6, 2011, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN

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| Robert Horine | County Administrator |
| Laurie Dowell | Assistant County Attorney |
| Melissa Williams | Director of Administration |
| Jim Seibert | Fiscal Director |
| Paula Spicer | Fiscal Court Clerk |
| Colonel Keith Hill | Campbell County Police Chief |
| William Turner | Office of Emergency Management Director |
| Peter Klear | Planning and Zoning Director |
| Ken Schultz | Road Department Supervisor |
| Jack Snodgrass | Campbell County Clerk |

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 regular meeting of June 15, 2011 and special meeting of June 29, 2011 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 invited comments from the public.

Erik Hermes stated that he has questions related to items on the agenda, particularly the zoning map amendment and the industrial building revenue bond issue. He will hold his questions until these items are presented to the Fiscal Court.

Judge Pendery then called on Ken Schultz, Road Department Supervisor, to begin his presentation. Mr. Schultz showed photographs of debris washed onto County roads by recent heavy rains and the resulting road slides. He also showed photographs of repairs made

explaining the process used and the amount of time it takes crews to make the repairs. Mr. Schultz stated that FEMA has visited and evaluated the major road slides and they anticipate getting funds from FEMA to help with the costs of these repairs.

Melissa Williams presented old business with a second reading of Ordinance O-09-11 by title and summary. O-09-11 enacts and adopts the 2011 S-22 Supplement to the Code of Ordinances of the County of Campbell, Kentucky (July 1, 2010 through December 31, 2010). Commissioner Rehtin made a motion to adopt O-09-11, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Ordinance O-10-11 was read by title and summary given for a second reading. O-10-11 amends Chapter 94: Parks and Recreation of the Campbell County Code of Ordinances regarding rules and regulations for the use of Campbell County Parks (Pendery Park). This amendment to the rules and regulations for County parks will prohibit horses in Pendery Park. Commissioner Rehtin made a motion to adopt O-10-11, seconded by Judge Pendery. Commissioner Rehtin and Judge Pendery voted "AYE", Commissioners Garrett and Painter voted "NAY" and the motion failed to pass.

Ms. Williams then presented new business beginning with Ordinance O-11-11 by title and summary given. O-11-11 updates the Official Zoning Map for unincorporated Campbell County to rezone an approximate 2.456 acre area located at 5192 US 27 as described in the attached map, from I-2 (Industrial Two) to NC (Neighborhood Commercial). This is a first reading and no vote is required. The map amendment was requested on behalf of the Campbell Conservation District. Peter Klear explained that the current zoning of this property is isolated. The property to the north is zoned Neighborhood Commercial and to the south is Rural Commercial. He further advised that there was no opposition to the requested zone change at the Campbell County & Municipal Planning & Zoning Commission public hearing held on May 10, 2011.

Ordinance O-12-11 was read by title and summary given. O-12-11 relates to the reapportionment of the boundaries of the County Commissioners, Justices of the Peace, and Constables of Campbell County, Kentucky in accordance with KRS 67.045. Melissa Williams explained the process used to draw the new boundaries after the 2010 census findings were released. Maps were displayed showing the new and old boundaries. This is a first reading and no vote is required.

Resolution R-69-11 was read by title and summary given. R-69-11 authorizes the expenditure of \$18,637.13 from Court Fee Revenues to fund a portion of a position in the Commonwealth Attorney's Office. Commissioner Rehtin made a motion to adopt R-69-11, seconded by Commissioner Garrett. Robert Horine stated that funding this position in the Commonwealth Attorney's office enables them to expedite certain cases thus shortening the time that the County pays for an inmate's stay in the jail. He estimates that the County saved about \$60,000-\$80,000 last year as a result of this program. All voted "AYE" and the motion passed.

Resolution R-70-11 was read by title and summary given. R-70-11 authorizes the expenditure of \$25,000 from Court Fee Revenues to fund a portion of the cost of administering the Northern Kentucky Regional Mental Health Court in FY 2012. Commissioner Rehtin made a motion to adopt R-70-11, seconded by Commissioner Garrett. Robert Horine explained how the Regional

Mental Health Court was formed and how it works to get people with mental health problems out of jail and into treatment. It is estimated that the Counties of Boone, Campbell and Kenton collectively saved about \$400,000 in jail bed days last year through use of the Mental Health Court. All voted "AYE" and the motion passed.

Resolution R-72-11 was read by title and summary given. R-72-11 authorizes the County Judge/Executive to execute an Addendum to the contract between the Fiscal Court and the City of Silver Grove, Kentucky regarding mowing work on Uhl Road within the City limits. Commissioner Rehtin made a motion to adopt R-72-11, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-74-11 was read by title and summary given. R-74-11 authorizes the Judge/Executive to execute the Waste Tire Grant Agreement for reimbursement of future or previously disposed of tires. Commissioner Rehtin made a motion to adopt R-74-11, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-76-11 was read by title and summary given. R-76-11 authorizes the Office of Emergency Management to apply for Hazard Mitigation Grant Program funds to be used to replace three sirens. The funds will be used to replace three outdated sirens located at A. J. Jolly Park, Silver Grove Fire Station and Eastern Campbell Fire Station. The total cost to replace the sirens is \$78,406.00 and the County's share will be \$10,193.00. Commissioner Rehtin made a motion to adopt R-76-11, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Taunya Saner to the position of full-time Animal Technician at the Campbell County Animal Shelter with compensation set at Grade 6L (\$12.37/hr) effective July 6, 2011. Ms. Saner was previously a part-time employee at the Animal Shelter. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for the position of part-time Kennel Technician at the Campbell County Animal Shelter due to the promotion of Taunya Saner. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Alan Bernstein to the Northern Kentucky Convention and Visitors' Commission to fill the unexpired term of Tammy Bravo who has resigned, with a term effective immediately and through July 31, 2013. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-75-11 by title and summary. R-75-11 expresses support for issuance of industrial building revenue bonds by the City of Newport for an apartment development on Riverboat Row. The City of Newport requested a resolution of support from the Fiscal Court for the issuance of \$16 million of industrial building revenue bonds. Mr. Horine described the project, a 93-unit apartment development. The City of Newport is ready to submit its request for the bond issue to the state for approval and the state requires an acknowledgement from the County and local schools recognizing that the issuance of this type of financing will

result in a property tax exemption for the development for the life of the bonds which is 30 years. Judge Pendery made a motion to adopt R-75-11, seconded by Commissioner Rehtin. The exemption applies to all taxing authorities; however the school district has negotiated a “payment in lieu of taxes” with the developer. Mr. Horine addressed questions and comments from the Fiscal Court and audience. Judge Pendery stated that although the County will lose the property taxes, it will receive more payroll tax revenue during the construction of the property, and the additional people living in the area will generate more tax revenue and local spending. Mr. Horine stated that the subject project is all residential use, however the developer does own additional land which could be developed as a mixed use. Commissioner Rehtin stated that the financing does not make sense to him; the development cost per unit seems high compared to the proposed rents. He learned that this is a 40-year financing, with a separate issue for the last 10 years. In support of the City of Newport, he will vote in favor of this resolution. Commissioner Painter asked if the Judge/Executive could sign-off on this issue without the Court’s approval. Mr. Horine explained his understanding of the statute relative to bond issues. Commissioner Painter stated that this may create a competition advantage for private developers. Mr. Horine stated that the statute was originally meant to induce private business investment in communities, such as the Sara Lee facility, but the statute is fairly broad on the types of development that it covers. Judge Pendery stated that bond issues are normally used when there are difficulties associated with a development where an inducement may be appropriate. Commissioner Rehtin and Judge Pendery voted “AYE”, Commissioners Garrett and Painter voted “NAY” and the motion failed to pass. Commissioner Painter stated that some of the information discussed tonight is new to him so he is being conservative with his vote. Commissioner Garrett stated that he would prefer to have industrial building revenue bonds used for a project that would create jobs and generate payroll tax. He stated that the residents of the proposed apartment development would get free fire and police services due to the tax-exemption.

Resolution R-71-11 was read by title and summary given. R-71-11 authorizes assignment of the lease agreement for space at 231 Sixth Avenue, Dayton, Kentucky to a new owner. Robert Horine explained that the County leases the space at 231 Sixth Avenue to store voting machines. The new owner of the property wants to keep the County as a tenant, and all terms of the current lease will remain the same. Commissioner Painter made a motion to adopt R-71-11, seconded by Judge Pendery. All voted “AYE” and the motion passed.

Resolution R-73-11 was read by title and summary given. R-73-11 authorizes the execution of an Interlocal Cooperation Agreement regarding law enforcement jurisdiction. Mr. Horine advised that this Interlocal Agreement has been in effect among Boone, Campbell and Kenton Counties since 1993. This amendment will add the Pendleton County Sheriff’s Department to the agreement. Commissioner Rehtin made a motion to adopt R-73-11, seconded by Commissioner Garrett. All voted “AYE” and the motion passed.

Commissioner Rehtin stated that currently Kenton County is trying to determine whether they will continue to use the Northern Kentucky Area Planning Commission (NKAPC). He asked that Robert Horine and Peter Klear report on what affect the dissolution of NKAPC would have on Campbell County and cities in Campbell County that use NKAPC’s resources and support. Judge Pendery stated that Campbell County does not have its own GIS and uses the NKAPC’s GIS services; it would be very costly to the County if they were not able to use this service.

Commissioner Rehtin stated that the appointments to the Transit Authority of Northern Kentucky (TANK) are made by the Judge/Executives of Boone, Campbell and Kenton Counties and then ratified by the Board. He suggested that TANK and boards like it be comprised of elected officials from the three Counties. This would put the responsibility directly on the elected officials. He would like to discuss this idea at a joint Fiscal Court meeting.

Judge Pendery acknowledged for the record that Cameron T. Alexander, Constable for District Three, has resigned his position effective June 6, 2011. The resignation was sent to Judge Pendery by email.

Judge Pendery announced that the Campbell County Backroads Farm Tour will be held on Saturday, July 23, 2011 from 9:00 a.m. to 5:00 p.m. There are 15 farms on this self-guided tour. This has been a very successful event in the past.

Judge Pendery announced that the next Campbell County Mayors' meeting will be held on Tuesday, July 26, 2011 at 7:30 a.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Jim Seibert requested a motion to authorize staff to advertise for bids for completion of the horse campground at A. J. Jolly Park. Motion was made by Commissioner Painter, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for bids for propane gas for use by County departments. Motion was made by Commissioner Garrett, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to accept bids for road materials for the Road Department for Fiscal Year 2012. Motion was made by Commissioner Garrett, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-68-11 was read by title and summary given. R-68-11 authorizes preapproval of Senior Picnic related bills not to exceed \$5,000. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for July 6, 2011. Laurie Dowell stated that Steve Franzen has reviewed the claims and found that they all appeared to be 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 Commissioner Garrett. All voted "AYE" and the meeting adjourned at 8:30 p.m.

Attachments:

Ordinance O-09-11 Adopt 2011 S-22 Supplement to Code of Ordinances
Ordinance O-11-11 Amend Official Zoning Map
Ordinance O-12-11 Reapportionment of Boundaries

Resolution R-69-11 Commonwealth Attorney's Office Funding
Resolution R-70-11 Regional Mental Health Court Funding
Resolution R-72-11 Addendum to Contract with Silver Grove
Resolution R-74-11 Grant Application for Waste Tire Disposal
Resolution R-76-11 Grant Application for Hazardous Mitigation Grant Funds
Resolution R-71-11 Assignment of Lease for 231 Sixth Avenue, Dayton
Resolution R-73-11 Amend Interlocal Cooperation Agreement
Resolution R-68-11 Authorize Preapproval of Senior Picnic Expenses
Claims July 6, 2011

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk