

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

May 1, 2013

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, May 1, 2013, 7:00 p.m. at the Campbell County Courthouse, 8352 East Main Street, Alexandria, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 7:00 p.m. to comply with grant close out requirements for the 2008 Disaster Recovery Fund Request-CDBG Disaster Recovery # 10D-078. Present at the hearing were:

Steve Pendery, 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
Matt Elberfeld, Director of Fiscal Affairs
Colonel Keith Hill, Chief of Police

Megan Sandfoss, Northern Kentucky Area Development District (NKADD), opened the public hearing. Ms. Sandfoss explained that the Fiscal Court received a 2008 Disaster Recovery CDBG grant in the amount of \$76,000 which was administered by the NKADD. \$75,000 of the grant was for the generator and \$1,500 for grant administration. Bids were solicited for the generator and Atkins and Stang, the successful bidder, installed the new generator in April 2012 at the Campbell County Emergency Operations Center. The actual cost for purchase and installation was \$55,200. During the grant audit one finding was made which has been corrected and the grant is ready to be closed. Ms. Sandfoss stated that the NKADD will request its \$1,500 fee when the close-out is complete. There were no questions or comments. The public hearing was closed at 7:08 p.m.

In attendance at the regular meeting were:

**COUNTY JUDGE/EXECUTIVE
STEVE PENDERY**

**COUNTY COMMISSIONERS
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN**

Steve Franzen
Robert Horine
Melissa Williams

County Attorney
County Administrator
Director of Administration

Matthew Elberfeld
Paula Spicer
Colonel Keith Hill

Finance Director
Fiscal Court Clerk
Chief of Police

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 April 17, 2013 were presented. Motion was made by Commissioner Painter, seconded by Commissioner Garrett to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Jayne Eaton, 1098 Keating Drive, requested that the process to have Keating Drive maintained by the County proceed. She has sent a letter and petition to the Fiscal Court requesting this action. Robert Horine stated that during this meeting he will request a motion from the Fiscal Court to acknowledge receipt of the request and to direct staff to employ an engineer to inspect the street and drainage so that a recommendation can be made about the improvements. Commissioner Painter made a motion to proceed with the process according to the guidelines to accept Keating Drive into the County-maintained road system, seconded by Commissioner Garrett. All voted "AYE" and the motion passed. Ms. Eaton stated that there is a house on the street that is in foreclosure and asked how it will affect the process. She also asked how they can get the grass cut at this house. Mr. Horine stated that he will refer the issue of grass cutting to staff for follow up. He stated that he will keep the residents informed of the progress and the engineer will meet with them at the end of his inspection.

Charles Coleman, on behalf of Ken Moellman thanked the Fiscal Court members, Steve Franzen and Chief Keith Hill for readdressing the Used Property Business ordinance. Mr. Coleman stated that this is a good example of the government letting the people get involved. Steve Franzen stated that he appreciates the work that Ken Moellman did on the ordinance. Kevin Gordon stated that it was a good effort on both parties to find a workable solution. He further stated that Campbell County's ordinance is not as lax as Boone County's ordinance.

Kevin Gordon asked if the Fiscal Court will comment on the joint Fiscal Court and Sanitation District No.1 (SD1) meeting held on April 30, 2013, and asked if they could explain the two week comment period. Judge Pendery replied that a recommendation has been made about a rate increase which will allow for public comment. He stated that SD1's compliance with the consent decree is very complex and he wouldn't want to attempt to explain it; however, there will be opportunity for feedback. Robert Horine advised that the open comment period starts today and a public hearing will be held on May 13, 2013.

Kevin Gordon asked for a discussion on passage of a resolution expressing opposition to the use of tolls to fund the Brent Spence Bridge replacement project. The Fiscal Court needs to do something so that people know where they stand. Judge Pendery stated that they've provided an

explanation as to why they will not adopt a resolution on this issue. He stated that he will talk to Mr. Gordon about it.

Rosana Aydt, Founder and Director of the Faith Community (St. Vincent DePaul) Pharmacy presented an update on the Pharmacy's activities. Ms. Aydt explained that they are able to provide over \$200,000 in prescription medicine to Campbell County senior citizens with the \$13,580 that is allocated from the Fiscal Court, and \$316,000 in prescription medicine with the \$22,600 allocated from Mental Health/Intellectual Disability Tax Funds. On the third Wednesday of every month the pharmacy goes to the HeadStart facility at 9th and Brighton Streets in Newport and she encouraged the Fiscal Court members to visit them there. They see about 75 people each month at that location. Ms. Aydt stated that they are very grateful for what the Fiscal Court has done for them. The Pharmacy covers 14 counties and is open on Mondays and Thursdays. Everything is free, however they do not dispense controlled substances and clients must meet eligibility requirements.

Lisa Bowman, Animal Shelter Director presented the 2012 annual report on the Animal Shelter. The Shelter's new addition opened in June 2012 and she is happy to report that the Shelter is paid off. Ms. Bowman stated that the Shelter would not be what it is today without the generous donations that they have received. The latest improvement at the Shelter is the installation of exercise pens which were built using donations. She stated that the Shelter's website has drawn people here from out of state to adopt animals. Ms. Bowman recognized the following Shelter volunteers for their service: Mildred Faust, Toni Evans, Susan Daniels, Kathy Schultz and Marcia Erickson. Certificates of Appreciation were presented to the volunteers with the exception of Ms. Faust who was unable to attend.

A motion was requested to proclaim May 2013 as Motorcycle Awareness Month in Campbell County, Kentucky. Keith Roberts, Kentucky Motorcycle Association, stated that he appreciates getting the Share the Road signs installed in the County. He asked if he could get a picture of the Fiscal Court members by one of the signs to publish in the paper or magazine. Motion was made by Commissioner Rechtin, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

There being no old business, Melissa Williams presented new business with a first reading of Ordinance O-03-13 by title and summary. O-03-13 enacts and adopts the 2013 S-26 Supplement to the Code of Ordinances of the County of Campbell, Kentucky (July 1, 2012 through December 31, 2012). This is a first reading and no vote was taken.

Resolution R-51-13 was read by title and summary given. R-51-13 relates to continuity of government. This resolution sets out the succession of the Office of Judge/Executive in the event of the absence or disability of the Judge/Executive as defined in KRS 67.725 when involving a national, state, or local emergency. In that event the responsibilities of the Judge/Executive's office would be carried out by the following in succession: Deputy Judge Robert Horine, Commissioner Kenneth Rechtin, Commissioner Pete Garrett and Commissioner Brian Painter. Commissioner Rechtin made a motion to adopt R-51-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-52-13 was read by title and summary given. R-52-13 authorizes the County Judge/Executive to execute an Order of Affiliation with the Campbell County Search and Rescue Squad. Kentucky Revised Statutes requires local rescue squads to have a formal affiliation with the Fiscal Court each year. It is recommended that the Fiscal Court enter into such an agreement with the Campbell County Search and Rescue Squad. Commissioner Garrett made a motion to adopt R-52-13, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-53-13 was read by title and summary given. R-53-13 authorizes the County Judge/Executive to approve and execute a change order in the amount of \$4,841.50 to the contract with Lonkard Construction Company for the California Crossroad Bridge Project located at Gubser Mill Road. This change order is for additional excavation, materials and labor needed for the footers on the bridge to ensure a stable structure. Commissioner Garrett made a motion to adopt R-53-13, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-54-13 was read by title and summary given. R-54-13 authorizes the Judge/Executive to execute an agreement with the Kentucky Transportation Cabinet Department of Highways to allow the County to install and maintain a welcome sign, butterfly garden and flag pole at the intersection of US 27 and KY 1936. The Fiscal Court previously applied for an encroachment permit to enter upon the state right-of-way for the purpose of installing and maintaining landscaping. The permit was approved and the Fiscal Court must execute an agreement with the State prior to installing the sign, flag pole and landscaping. Commissioner Rehtin made a motion to adopt R-54-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to proclaim May 12 through 18, 2013 as Police Week and May 15, 2013 as Peace Officers' Memorial Day in Campbell County, Kentucky. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to advance Steven Kush from Police Officer Grade 3 to Police Officer Grade 4 with salary adjustment from Grade 11D (\$21,360.90 annually) to Grade 12B (\$21,856.52 annually) effective May 1, 2013 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Michael J. Weber as a Parks and Recreation Maintenance Worker with compensation set at \$10.20/hour effective May 2, 2013. Mr. Weber will take the place of a worker that has resigned. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Vera Powell, Ray Kremer and Dan Keller to the Northern Kentucky Area Development District Council on Aging for a two year term each effective July 1, 2013 through June 30, 2015. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine advised that the earlier change order for Lonkard Construction will be the final change order for the California Crossroad bridge project. The final paving will be put on

tomorrow. Mr. Horine stated that the bridge replacement and road realignment has taken a long time and they appreciate the residents' patience during construction. Commissioner Garrett stated that he has been asked if the County will hold a dedication of the new bridge.

Robert Horine stated that he will have a recommendation for funding of 911 emergency dispatch services at the May 15 meeting. After a meeting with the County Clerk, PVA Administrator and Sheriff, he determined that some provisions in the ordinance need to be worked out.

Steve Franzen recalled that about a year ago he drafted a used property ordinance, however it failed to pass. Since then local police departments have asked him to approach the Fiscal Court to adopt some regulations. It has become increasingly easy for stolen items to be sold and then resold sometimes before the owner discovers that the items are missing. The ordinance is called "used property" because it applies to more than just jewelry. Drafting a suitable ordinance was a big challenge; he worked with both the business community and the police departments. He has received positive feedback from most mayors and all police departments. Mr. Franzen explained that two options are presented. He suggested that the Fiscal Court adopt the ordinance which excludes the City of Newport which has stricter regulations and has been in effect for a long time. Mr. Franzen highlighted some requirements such as the use of "leads on line", payment to be made by check instead of cash and the holding period before items may be resold. Ordinance O-05-13 was read by title and summary given. O-05-13 establishes regulations for the operation of Used Property Businesses in Campbell County, Kentucky. Two options were presented – one provides for countywide applicability including the unincorporated and incorporated areas of the County and the other provides for countywide applicability including the unincorporated and incorporated areas of the County but exempts the City of Newport which has its own regulations. This is a first reading and no vote was taken.

Commissioner Painter stated that he and Judge Pendery attended a meeting on a Sunday afternoon with the residents of Keating Drive to discuss their request to begin the process for the County to accept the road for maintenance. It was a very positive and productive meeting. Judge Pendery stated that Commissioner Painter deserves credit for setting up the meeting.

Judge Pendery announced that the Campbell County Backroads Farm Tour will be held on Saturday, July 27, 2013. Approximately 15 farms will be on the tour this year.

Matt Elberfeld presented Resolution R-50-13 by title and summary. R-50-13 authorizes the Judge/Executive to execute a Depository and Master Service Treasury Agreement with U.S. Bank to serve as the provider of comprehensive banking services to the Fiscal Court. Mr. Elberfeld stated that five proposals were received in response to the Fiscal Court's request. Staff interviewed two banks and he explained why he recommends accepting the proposal of U.S. Bank. Commissioner Rehtin made a motion to adopt R-50-13, seconded by Commissioner Painter. Commissioner Rehtin pointed out that Fifth Third Bank has significantly lower fees. Mr. Elberfeld explained that Fifth Third uses image processing for the lock box and the Fiscal Court still needs paper processing to satisfy the auditors; the Fiscal Court needs to retain the original tax return left with payments in a lock box. In addition the Fiscal Court previously had problems with Fifth Third when it had procurement cards through them. Mr. Elberfeld stated that he could follow up with Fifth Third regarding the need for paper processing. Commissioner Rehtin requested that this resolution be tabled until staff can talk to Fifth Third about their

concerns. Commissioner Rehtin made a motion to table R-50-13, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to acknowledge for the record that Judge/Executive Pendery has presented a draft FY2014 budget to the County Commissioners as required by Kentucky Revised Statutes. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. Mr. Elberfeld stated that the first reading of the budget will be at the May 15, 2013 meeting. Robert Horine added that the second reading will likely be at the June 19, 2013 meeting. In response to Commissioner Rehtin's question, Mr. Elberfeld stated that no significant changes have been made to the budget. All voted "AYE" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims as presented for May 1, 2013. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. Commissioner Rehtin recused himself from voting to approve any payments made to Senior Services of Northern Kentucky, his employer. 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 8:10 p.m.

Attachments:

Ordinance O-03-13	Adopt Code of Ordinances Supplement
Resolution R-51-13	Continuity of Government
Resolution R-52-13	Order of Affiliation with Campbell County Search and Rescue Squad
Resolution R-53-13	Change Order of Lonkard Construction
Resolution R-54-13	Agreement with Kentucky Transportation Cabinet
Proclamation	Motorcycle Awareness Month
Proclamation	Police Officers Week
Ordinance O-05-13	Used Property Businesses Regulations
Claims	May 1, 2013

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk