

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

July 30, 2014

A special meeting of the Campbell County Fiscal Court was held on Wednesday, July 30, 2014, 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

Steve Franzen	Campbell County Attorney
Robert Horine	County Administrator
Matt Elberfeld	Finance Director
Paula Spicer	Fiscal Court Clerk
Lieutenant Colonel Todd Straman	Campbell County Interim Police Chief
Kim Serra	Human Resources Director

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 July 16, 2014 were presented. Motion was made by Commissioner Rechtin, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Kevin Gordon stated that the Fiscal Court authorized the purchase of ten vehicles at its July 16, 2014 meeting. He asked if the Fleet Manager had recommended the purchases. Robert Horine stated that the Fleet Manager was involved throughout the entire purchasing process except for the purchase of the police vehicles and the Road Department vehicle.

Kevin Gordon noted an item on the agenda to reappoint Steven Trumbo to the Campbell County Public Library Board. He asked for an explanation of the process to appoint Board members. The Fiscal Court has no responsibility over the conduct of the Board or control over the budget, yet they appoint the members. Judge Pendery advised that the State submits two names to the Fiscal Court for the appointment of one Board member. Mr. Gordon stated that the Library Board decides what names to submit to the State and then the Fiscal Court gets two names to

choose from. It seems that the Library Board appoints who they want to appoint. He stated that the Library Board has shown complete disdain of the taxpayers and gave examples to support his statement. Mr. Gordon wonders why the Fiscal Court bothers to appoint members to the Board – it seems to be just a formality. It would be nice if they would put somebody on the Board that is more fiscally responsible.

Kevin Gordon referred to the interlocal agreement for the collection of occupational license fees for several cities in the County. He stated that the Fiscal Court developed specific software for this service, but the City of Newport does not participate in the agreement. Have there been discussions with Kenton County or Boone County to offer this software to them in order to recoup some the costs? Judge Pendery stated that the Fiscal Court needs to use the software for a while for troubleshooting purposes. He stated that originally they wanted to have a County-wide license; however every city has its own ordinance and may calculate their tax differently. With the old software system, the County could not handle more than seven cities; however the new software will allow the County to offer its services to additional cities. He stated that the County wants to ensure that the software works properly before offering it for sale to other entities. The cost to develop the new software was about \$300,000. Judge Pendery stated that the increased fee to the partner cities will help pay for the cost of the software. Matt Elberfeld stated that the pay-back period will be about four years. Judge Pendery pointed out that the County had to get a new software system regardless of whether it had the cities participating.

Ken Moellman asked what would happen if there were not enough votes to reappoint Mr. Trumbo to the Campbell County Library Board. Steve Franzen stated that often when appointments are not made in the time allotted, they are referred to the Governor for appointment. (Later in the meeting, after having researched the question, Steve Franzen stated that if the Fiscal Court were not able to decide on an appointment to the Library Board within 15 days, then the Judge/Executive would appoint a member.)

Judge Pendery presented Lieutenant William P. Wilson with a watch in recognition of his years of service on the Campbell County Police Department. Lt. Wilson started as a Patrolman with the Police Department on July 20, 1994 and will retire on August 2, 2014. Judge Pendery listed highlights of his career.

Paula Spicer presented old business with a second reading of Ordinance O-13-14. O-13-14 updates the official zoning map for unincorporated Campbell County to rezone an approximate 9.49 acre parcel located at 5837 Mary Ingles Highway in unincorporated Campbell County, Kentucky, as described in the attached map, from R-RE (Rural Residential Estate) to RC (Rural Commercial). On July 8, 2014 the Campbell County and Municipal Planning and Zoning Commission held a public hearing on the request of Prestress Services Industries for a zoning map amendment. After considering the evidence and testimony presented the Commission recommended approval of the requested map amendment. Commissioner Rehtin made a motion to adopt O-13-14, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

New business was presented with Resolution R-89-14. R-89-14 approves submission for flex funds to the Kentucky Transportation Cabinet Rural Secondary Road Program. The Fiscal Court was advised by the Kentucky Highway Department District Six that \$120,469 in Flex Funds

were available for use on County-maintained roads. Luke Mantle, Road Supervisor reviewed the County road list and recommends using these funds to resurface California Cross Roads (CR1103) from AA Highway to Gubser Mill Road. The estimated cost of the project is \$183,000. Commissioner Rehtin made a motion to adopt R-89-14, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to advertise, interview and hire an Occupational Tax Manager to fill an anticipated vacancy created by a retirement effective September 30, 2014. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Interim Police Chief Todd Straman to the Campbell County Consolidated Dispatch Board effective August 1, 2014 through the length of his interim appointment. The Chief of the Campbell County Police Department serves as one of the County's appointments to this Board. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to reappoint Steven Trumbo to the Campbell County Public Library Board of Trustees for a four year term effective October 1, 2014 through September 30, 2018. Mr. Trumbo is one of two people submitted for consideration by the Kentucky Department of Libraries and Archives to fill a vacancy on the Board due to the expiration of his current term. Motion was made by Judge Pendery, seconded by Commissioner Painter. Commissioner Rehtin asked Judge Pendery how he chooses a Board member. Judge Pendery stated that in this case he knows the people involved and he thinks that Mr. Trumbo has done a good job on the Board. Sometimes he will call the candidates if he does not already know them. Commissioner Rehtin stated that the appointment process needs to be changed. Judge Pendery stated that there is more public scrutiny of special districts now than in the past. He believes that most counties around the State do not want to be responsible for special districts. At this time the Fiscal Court has minimal involvement in the process of appointments to the Board and no real authority over their financial situation. Commissioner Painter stated that in 1978 petitions were gathered and the public voted to enable Campbell County to form a library district, and the library district was able to levy a tax. He stated that the legislation is cumbersome and the Fiscal Court was never intended to run the Library Board. Commissioner Rehtin stated that he attended a state-wide meeting of library directors and they are averse to having any oversight by elected officials. Commissioner Rehtin stated that there needs to be a body to oversee all of the independent taxing districts in Kentucky. All voted "AYE" and the motion passed.

Robert Horine presented Ordinance O-14-14 by title and summary for a first reading. O-14-14 approves the execution of a Local Participation Agreement relating to the establishment and implementation of a Development Area Tax Increment Financing District known as the U.S. 27 Development Area within the City of Highland Heights, Kentucky. Mr. Horine described the boundaries of the Development Area. He stated that the terms of the Agreement are the same as the recently approved Local Participation Agreement (LPA) with the City of Newport: a pledge of 60 percent of the Incremental Revenues from County real estate taxes and occupational taxes generated within the Development Area for 30 years. Highland Heights Mayor Greg Meyers and Attorney Jim Parsons were present. Mr. Parsons explained the purpose and benefits of creating a Tax Incremental Financing District (TIF) and the difference between a development area TIF and a project specific TIF. He then discussed the terms of use of revenues pledged by the State

and local governments. Mr. Parsons described how other counties/cities in Kentucky are using TIF districts for various projects and answered questions from the Fiscal Court. Mr. Horine stated that the Incentive Review Committee which reviews and recommends expenditures of the pledged incremental revenues will be composed of three representatives from the City and two representatives from the County. He anticipates having a second reading of this Ordinance at the next Fiscal Court meeting on August 20, 2014.

Resolution R-92-14 was read by title and summary given. R-92-14 authorizes the expenditure of \$40,000 from Mental Health/Intellectual Disability Tax Funds to fund a portion of the cost of administering the Northern Kentucky Regional Mental Health Court in FY 2015. Mr. Horine explained that the Fiscal Court originally budgeted \$25,000 from Court Fee Revenues for Fiscal Year 2015. The Mental Health Court's operating costs have increased for this year primarily due to increased pension contributions for employees. As a result, the Court is requesting \$40,000 for FY15. Mr. Horine recommends that the Fiscal Court contribute \$40,000 and that it be paid from reserve Mental Health/Intellectual Disability (MH/ID) Tax funds. This is the same funding source used by Boone and Kenton County Fiscal Courts. Mr. Horine stated that the Mental Health Court did apply for MH/ID funds but staff did not consider the request since the Court has been funded from Court Fee Revenues in the past. Pat Dressman, Human Services Manager, is supportive of using the reserve MH/ID funds for the Mental Health Court. All voted "AYE" and the motion passed.

Resolution R-93-14 was read by title and summary given. R-93-14 authorizes the Judge/Executive to execute a professional services agreement with Terracon Consultants Inc. for geophysical exploration of the spillway at A J Jolly Park in the amount of \$4,400. Commissioner Rehtin made a motion to adopt R-93-14, seconded by Judge Pendery. Mr. Horine explained that Terracon will use a Ground Penetrating Radar system first to target any voids in the spillway then follow with drilling and grouting. Steve Franzen stated that there has been a lot of discussion about who owns the dam and lake and who is responsible for them. It was discovered that the Fiscal Court signed an agreement in 1961 that it would maintain the dam and lake as long as the property remained a park. Mr. Horine stated that the cost will be paid from the Parks and Recreation Department budget. All voted "AYE" and the motion passed.

Mr. Horine requested that the Fiscal Court meet in executive session at the end of regular business, pursuant to KRS 61.810(1)(b) deliberations on the future acquisition or sale of real property by a public agency and KRS 61.810(1)(f) discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Judge Pendery announced that the Festival on the Lake will be held at A J Jolly Park on August 16, 2104. Music and activities are scheduled throughout the day along with the wine festival featuring local wineries. The new Stapleton Pavilion will be dedicated at 10:00 am. Admission is \$5 per carload.

Judge Pendery announced that the 47th Annual Campbell County Senior Citizen Picnic will be held on September 17, 2014 from 11:00 am to 4:00 pm at Pendery Park. Tickets will go on sale August 4, 2014.

Matt Elberfeld requested a motion to advertise for bids to resurface the following County roads: (1) California Crossroads (CR 1103) from KY 8 to Bezold Road, (2) South Licking Pike (CR 1371) from Camel Crossing to US 27, (3) Steffen Road (CR 1357) from KY 915 to its dead end, and (4) Upper Lick Branch (CR 1004) from Grandview to KY 9. Luke Mantle, Road Supervisor requests advertising for these projects. Motion was made by Commissioner Rehtin, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-85-14 was read by title and summary given. R-85-14 authorizes the Judge/Executive to execute an Interlocal Agreement for the consolidated collection of municipal occupational taxes and license fees. Seven Campbell County cities are parties to this Interlocal Agreement. The collection fee this year will increase to two percent beginning with the July collections; the fee had been at one percent for the last 10 years. Mr. Elberfeld stated that six of the seven partner cities have signed the Agreement; the City of Cold Spring will approve the agreement at its meeting on August 11, 2014. Judge Pendery made a motion to adopt R-85-14, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-90-14 was read by title and summary given. R-90-14 authorizes the Judge/Executive to execute a monthly agreement with Time Warner Cable to continue to provide dedicated internet access and inter office connections on a month-to-month basis. The current agreement that the County is operating under expires July 31, 2014. Staff recommends that the County continue the agreement on a month-to-month basis until the request for proposals process is complete. Commissioner Rehtin made a motion to adopt R-90-14, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-91-14 was read by title and summary given. R-91-14 authorizes the County Judge/Executive to execute an agreement with VanGorder Walker and Company for Housing Department Accounting services. Mr. Elberfeld explained that HUD accounting and reporting is very specific. Previously this work was performed in-house, however due to changes in staff, another person would have to be trained or the Fiscal Court could contract for these services. VanGorder Walker has been an auditor of the Housing Department accounts and also performs these services for Boone County. The proposed fee is \$70 per hour, or \$560 per month, or \$6,720 per year. Judge Pendery made a motion to adopt R-91-14, seconded by Commissioner Painter. Commissioner Rehtin asked what other governments in Campbell County administer similar HUD services and has the Fiscal Court made overtures to them to perform that type of work. Mr. Elberfeld stated that the Cities of Dayton and Newport administer HUD but they have not been approached by the County. Judge Pendery stated that the Fiscal Court does have a good relationship with Newport's HUD administrators and have worked closely with them on different projects. Commissioner Rehtin stated that tenants and landlords are often confused about the HUD offices and their services. He stated that the Fiscal Court has an opportunity to work with another governmental agency, but we have not approached them. He suggested that a change needs to be made. Mr. Elberfeld stated that once VanGorder Walker begins providing accounting services, they will no longer perform the HUD audit. All voted "AYE" and the motion passed.

A motion was requested to acknowledge that the Fiscal Year 2014 Treasurer's Report is complete and is available. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims as presented for July 30, 2014. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Painter, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

The Fiscal Court met in Executive Session pursuant to motion previously made.

Motion was made by Commissioner Rehtin, seconded by Commissioner Painter to adjourn the executive session and reconvene in regular session. All voted "AYE" and the motion passed.

Commissioner Rehtin made a motion to authorize the Judge/Executive to take whatever action is necessary, up to and including termination of the employee matter that was discussed in Executive Session. Commissioner Garrett seconded the motion. 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 9:20 p.m.

Attachments:

Ordinance O-13-14 Zoning Map Amendment
Resolution R-89-14 Approve Submission for Use of Flex Funds
Ordinance O-14-14 Authorize Local Participation Agreement with City of Highland Heights
Resolution R-92-14 Approve Expenditure for Regional Mental Health Court
Resolution R-93-14 Agreement for Engineering Services – Spillway at A J Jolly Park
Resolution R-85-14 Interlocal Agreement for Collection of Occupational Taxes/Fees
Resolution R-90-14 Agreement for Dedicated Internet Access & Interoffice Connections
Resolution R-91-14 Agreement for Housing Department Accounting Services
Claims July 30, 2014

Approved:

/s/ Steve Pendery

STEVE PENDERY

Judge/Executive

Attest:

/s/ Paula K. Spicer

Paula K. Spicer, Fiscal Court Clerk