

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

AUGUST 20, 2014

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, August 20, 2014, 5:30 p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

**COUNTY JUDGE/EXECUTIVE
STEVE PENDERY**

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

Robert Horine	County Administrator
Steve Franzen	County Attorney
Matthew Elberfeld	Finance Director
Paula Spicer	Fiscal Court Clerk
Lieutenant Colonel Todd Straman	Interim Police Chief
David Plummer	Administrative Analyst/Solid Waste Program Manager

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 special meeting of July 30, 2014 and the Mayors meeting of July 22, 2014 were presented. Motion was made by Commissioner Painter to adopt the July 30, 2014 minutes as modified and the July 22, 2014 minutes, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Kevin Gordon, Wilder resident, asked what the new tax rate will be. Judge Pendery stated that the Fiscal Court received a letter from the State setting the compensating rate at 15.60 cents per \$100 valuation this year. He explained that the compensating rate is supposed to bring in the same amount of money as the preceding year. Mr. Gordon stated that as of last year the tax rate has increased 17 percent since 2011. Judge Pendery stated that some years the property assessments have gone down so the tax rate affects people in different ways.

Kevin Gordon stated that the Economic Development Officer position has not been filled for 18 months – would it hurt to wait another four months until the new Fiscal Court comes on to fill it. The new Fiscal Court should not be saddled with a position that may not be necessary. Judge Pendery stated that if they waited it would be another four months of not getting all of the work done and putting a strain on the County Administrator.

Kevin Gordon stated that Tri-ED's website has last year's tax rate listed for 2014. This could be misleading for businesses that may consider locating to the area.

Jack Snodgrass, Campbell County Clerk, reported that there were no major problems with the May 2014 primary election. However, he and several others are being sued by Attorney Brandon Voelker in regard to a state law concerning placement of election signs within a certain distance from polling places. Campbell County had the highest turn-out among Northern Kentucky counties, but overall the area had a low turn-out for the primary. Mr. Snodgrass stated that the upcoming November election will be his fortieth election as County Clerk. He reported that his office took in \$303,000 during the sale of delinquent tax bills held earlier in the day. Mr. Snodgrass advised that absentee ballot voting begins on October 14, 2014 and that his office is still seeking extra poll workers for the November general election.

Dan Hull stated that the situation in Ferguson, Missouri is something that we do not want to happen here, but it could. He asked how a police officer can shoot a man six times and not be prosecuted. Mr. Hull stated that he has seen many instances of corruption in the local police department. He stated that he has brought to the attention of the Fiscal Court that the law had been broken on Barrs Branch Road and he was told that they would get back to him but nobody did. Mr. Hull stated that the Fiscal Court's vote on the tax rate should be recorded and that there should be more accountability.

Pat Lucas, Wilder resident, stated that he would like the Fiscal Court to consider a law prohibiting public display of anything recorded by use of a drone unless ordered by a court of law, such recordings may not be used as evidence in court and a penalty of a \$1 million fine, life in prison with no chance of parole should be established for illegal use of drones.

Bill Woody, Bellevue resident, thanked the Fiscal Court for the work that they do on behalf of the County. He then stated that he and Campbell County citizens have been taxed enough. No tax increase in excess of the CPI should be set. Judge Pendery pointed out that the Fiscal Court actually receives only about one tenth of what is collected on the tax bills.

Lynn Saddler, MD MPH, District Director of Health and George Moore, Director of Administration and Accounting, Northern Kentucky Independent District Board of Health, presented the Campbell County Public Health Taxing District tax rate as recommended by the Campbell County Local Board of Health. Dr. Saddler explained how the taxing district and Local Board of Health were created by statute. The taxes collected are used to maintain the County Health Center, pay for administrative activities, and provide an allocation to the Northern Kentucky Independent District Health Department for the public health services provided to all Counties in the District including Campbell. She stated that the Local Board met in May and approved a tax rate of 2.2 cents per \$100 of assessed valuation for real and personal property and

motor vehicles. The annual amount estimated to be generated by this tax is \$1,392,401. The Board further approved a 1.9 cents per \$100 of assessed valuation appropriation to the District. The District Health Department's annual budget for FY 2015 is \$15.1 million. Judge Penderly explained that there is a new state law that requires Special Purpose Governmental Entities to present their tax rate at a Fiscal Court meeting in the interest of transparency. The Fiscal Court does not have any authority over the District's operation aside from the influence of its appointments to the Board. Dr. Saddler stated that year's tax rate was 2.1 cents. The 2.1 rate generated \$63,000 less than the new rate. Judge Penderly thanked Dr. Saddler and Mr. Moore for their presentation.

Paula Spicer presented old business with a second reading of Ordinance O-14-14 by title and summary. 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. Commissioner Rehtin made a motion to adopt O-14-14, seconded by Judge Penderly. The agreement provides for an increase of base revenues if the Consumer Price Index increases. It also provides for two Fiscal Court representatives on the Incentive Review Committee. All voted "AYE" and the motion passed.

New business was presented with Resolution R-98-14 by title and summary given. R-98-14 authorizes the Judge/Executive to approve the request and agreement for waste tire grant funding from the Kentucky Department for Environmental Protection, Division of Waste Management. This non-matching grant helps offset the County's cost to dispose of tires collected at its cleanup events. Commissioner Rehtin made a motion to adopt R-98-14, seconded by Judge Penderly. All voted "AYE" and the motion passed.

Resolution R-99-14 was read by title and summary given. R-99-14 authorizes the Judge/Executive to apply for litter abatement grant funds from the Division of Waste Management for 2015. This non-matching grant will help offset expenses for programs such as Trash for Cash. The amount of the grant averages about \$54,000 each year. Commissioner Rehtin made a motion to adopt R-99-14, seconded by Judge Penderly. All voted "AYE" and the motion passed.

Resolution R-101-14 was read by title and summary given. R-101-14 authorizes the Judge/Executive to execute an agreement with Sanitation District #1 for a storm sewer 50-50 cost-share project at the intersection of Sugarmill Court and Parkside Drive. This project is recommended to alleviate drainage issues at this location. Commissioner Rehtin made a motion to adopt R-101-14, seconded by Judge Penderly. All voted "AYE" and the motion passed.

Resolution R-104-14 was read by title and summary given. R-104-14 commends and thanks the Jolly Park Community Development Council for their successful planning and execution of the "Festival on the Lake" at A J Jolly Park. Commissioner Rehtin made a motion to adopt R-104-14, seconded by Judge Penderly. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation for retirement purposes of Linda Eads from the position of Tax Compliance Manager effective September 30, 2014 after 13 years of service.

Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Brett Burcham to the full-time position of Tax Compliance Manager effective October 1, 2014 with compensation set at Pay Grade 15, \$52,272 annually (total annual benefit cost of \$19,014). Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire a full time Tax Compliance Officer to fill the vacancy created by the promotion of Brett Burcham. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to accept a revised date of retirement for Dave Kean from the position of Building Inspector III. Mr. Kean's new retirement date is December 1, 2014. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-95-14 was read by title and summary given. R-95-14 updates the Economic Development Officer position description and authorizes corresponding amendments to the Administrative Code. Judge Pendery made a motion to adopt R-95-14, seconded by Commissioner Painter. Robert Horine explained that this position has been vacant for a while and had previously been advertised but no appointment was made. The Campbell County Economic Progress Authority (CCEPA) has agreed to fund one half of the salary and benefits for this position. The CCEPA suggested that the position description be adjusted and the pay grade lowered to attract a variety of applicants. Kim Serra advised that the position was originally assigned to Pay Grade 18, but was lowered to Grade 15 (annual salary range of \$44,787 to \$61,700). The responsibilities of the position have been lowered as well. Mr. Horine stated that the position will report to the County Administrator and serve as staff to the CCEPA. Judge Pendery stated that should they find a candidate with qualifications that dictate a higher pay grade then they may come back to the Commission for a change. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire a full time Economic Development Officer. Motion was made by Judge Pendery, seconded by Commissioner Painter. Robert Horine explained that they will get input from representatives of the Campbell County Economic Progress Authority and engage them during the interview process, however the final decision rests with Judge Pendery to make a recommendation to the Fiscal Court. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Katrina Bray from the position of Police Clerk effective November 7, 2014. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire a full time Police Clerk at the Campbell County Police Department to fill the vacancy created by the resignation of

Katrina Bray. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Paul Kramer and Thomas J. Kramer as seasonal Parks and Recreation Maintenance Workers effective August 25, 2014 at \$10.35 per hour. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to approve the termination of Tim Hartig, Assistant Road Supervisor, effective August 1, 2014. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Kevin Thomas to the Central Campbell Fire District Board of Trustees effective September 1, 2014 through June 30, 2016. Lieutenant Thomas will fill the unexpired term of Rob Kloeker an elected firefighter trustee who resigned. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-102-14 by title and summary given. R-102-14 expresses support for applications to certify Boone, Kenton and Campbell Counties jointly as a Work Ready Community. This certification was initiated by the State as part of its strategic plan to transform the workforce development system. Each County must apply, and the three applications will be submitted together. Commissioner Rehtin made a motion to adopt R-102-14 seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize the Campbell County Police Force Merit Board to begin the process to establish a current promotional eligibility list for Lieutenant and Sergeant. Currently there is no valid eligibility list for these positions. Mr. Horine explained the process used by the Merit Board to create an eligibility list. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Commissioner Painter stated that the Jolly Community Development Council put on a fantastic event at the Park on August 16. He thinks that there were more people this year than last year for the 50th Anniversary celebration. The Stapleton Pavilion is a first-class facility that could host a KET Jubilee type music event. The Council's master plan for the Park includes an RV park which would help the Park financially and help fund other amenities.

Commissioner Painter announced that the 158th Alexandria Fair and Horse Show will take place from August 27 through September 1, 2014 at the fairgrounds.

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 are on sale now.

Matt Elberfeld presented Resolution R-96-14 by title and summary given. R-96-14 establishes the 2014 ad valorem tax rates for Campbell County. The tax rates per \$100 of assessed value for all taxable property are as follows: 15.40 cents for real property, 23.93 cents for tangible

personal property, and 13.10 cents for motor vehicles and watercraft. Judge Pendery stated that the compensating rate as calculated by the Kentucky Department of Local Government was 15.60 cents and the rate suggested to be adopted is 15.40 cents per \$100 of assessed value. This rate will come close to meeting the needs of the budget that was previously adopted.

Commissioner Rechtin made a motion to adopt R-96-14, seconded by Commissioner Painter. Commissioner Rechtin stated that he could agree with keeping the tax rate flat at 15.0 cents, but the budget has been passed and in order to meet the budget we will need the 15.40. He stated that one of the problems is that the property valuations are not increasing – Campbell County needs the property values to increase. He was disappointed that the Property Valuation Administration office could not tell him the number of units where the property values went up and the number that went down. Commissioner Painter pointed out that this is the second year in a row since 1978 that they've set a rate below the compensating rate. He credited County employees for identifying ways to stay within the budget. Commissioner Garrett stated that much of the commercial growth in the County has been developed by use of industrial revenue bonds. He acknowledged that these businesses provide jobs and pay payroll taxes however they pay no property tax. There are also residential developments using industrial revenue bonds exempting them from paying property taxes. He stated that the County is going below compensating rate and there is not much else it can do as long as these entities are not paying their fair share of real estate tax. Judge Pendery stated that in theory we are providing incentives to developers that may not build in the area. We are giving up something, but we are gaining something – our largest source of revenue is payroll tax. He stated that we do need to be conservative with our use of incentives. All voted “AYE” and the motion passed.

Resolution R-97-14 was read by title and summary given. R-97-14 approves the Campbell County Health Department tax rate for the Fiscal Year 2015 for the Campbell County Public Health Taxing District. The rate is 2.2 cents per \$100 of assessed value of all real property, personal property and motor vehicles. Commissioner Rechtin made a motion to adopt R-97-14, seconded by Judge Pendery. All voted “AYE” and the motion passed. Judge Pendery answered questions from the audience regarding the authority of the Local Board of Health (a Special Purpose Governmental Entity) to set a tax rate. Dr. Lynn Saddler answered questions about the conduct of the Local Board of Health and District Health Department meetings.

Resolution R-94-14 was read by title and summary given. R-94-14 grants Sheriff Jeff Kidwell his Quietus for 2013 taxes. Judge Pendery made a motion to adopt R-94-14, seconded by Commissioner Garrett. All voted “AYE” and the motion passed.

Resolution R-103-14 was read by title and summary given. R-103-14 authorizes the Judge/Executive to execute an agreement with Global Business Solutions for a phone system. Mr. Elberfeld explained that the current phone system is ten years old and hardware and software are no longer supported. Eight proposals were received in response to the advertisement for a new phone system. Staff determined that the proposal of Global Business Solutions to provide a Shortel phone system including equipment, licensing, phones and five years of support services in the total amount of \$192,727 best met the County's needs. The County Clerk, Sheriff and Department of Housing will be billed for their share of the costs of the system. Commissioner Rechtin made a motion to adopt R-103-14, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to approve the claims as presented for August 20, 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.

Mr. Elberfeld requested a motion to authorize staff to advertise for bids for snow and ice removal at County facilities. The Fiscal Court has used the same provider for four years. Due to an increase in the cost, staff recommends soliciting bids for these services. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett.

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 6:47 p.m.

Attachments:

- Ordinance O-14-14 Local Participation Agreement with Highland Heights
- Resolution R-98-14 Application for Waste Tire Grant Funds
- Resolution R-99-14 Application for Litter Abatement Grant Funds
- Resolution R-101-14 Agreement with Sanitation District No. 1
- Resolution R-95-14 Revised Position Description for Economic Development Officer
- Resolution R-104-14 Commending the Jolly Park Community Development Council
- Resolution R-102-14 Work Ready Community Certification
- Resolution R-96-14 2014 Ad Valorem Tax Rate
- Resolution R-97-14 2014 Tax Rate for Campbell County Public Health Taxing District
- Resolution R-94-14 Grant Sheriff's Quietus for 2014 Taxes
- Resolution R-103-14 Purchase of New Phone System
- Claims August 20, 2014

Approved:

/s/ Steve Pendery
STEVE PENDERY
Judge/Executive

Attest:

/s/ Paula K. Spicer
Paula K. Spicer, Fiscal Court Clerk