

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

June 3, 2015

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, June 3, 2015, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

**COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY**

**COUNTY COMMISSIONERS:
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER**

Steve Franzen
Matt Elberfeld
Paula Spicer
Colonel Craig Sorrell
Kim Serra
Marie Schenkel

County Attorney
County Administrator
Fiscal Court Clerk
Campbell County Police Chief
Assistant County Administrator
Finance 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 May 20, 2015 and the special meeting of April 28, 2015 were presented. Motion was made by Commissioner Lampe, seconded by Commissioner Coleman to approve the minutes. All voted "AYE" to approve the minutes of May 20, 2015 and the motion passed. Commissioners Lampe and Painter and Judge Pendery voted "AYE" to approve the minutes of April 28, 2015, Commissioner Coleman abstained, and the motion passed.

Judge Pendery invited comments from the public.

Kevin Gordon stated that he wanted to talk about an appointment that was on the agenda. Judge Pendery suggested that he wait until it comes up on the agenda and he could talk about it then.

Judge Pendery administered the Oath of Office to Campbell County Police Officer Everett Ross.

Jim Daley, Campbell County Jailer and B J Champagne, Detention Center Chief Deputy, presented a Certificate of Appreciation to Deputy Jailer Kim Wells. Deputy Wells, a Specialist

in the US Army, will be deployed to active duty in July for a year or two. Her husband will also be deployed at the same time. Their two children will be cared for by their grandmother in their absence. The Fiscal Court thanked Deputy Wells and her husband Ron for their service to our country.

Paula Spicer presented old business with a second reading of Ordinance O-03-15 by title and summary. O-03-15 enacts and adopts the 2015 S-30 supplement to the Code of Ordinances of the County of Campbell, Kentucky (July 1, 2014 through December 31, 2014). Commissioner Painter made a motion to adopt O-03-15, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Ordinance O-04-15 was read by title and summary given. O-04-15 amends the Campbell County Code of Ordinances at Section 31.01 "Authority to Carry Concealed Deadly Weapons". Commissioner Lampe made a motion to adopt R-04-15, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Ordinance O-05-15 was read by title and summary given. O-05-15 rescinds Ordinance O-22-04 which prohibited electioneering within two hundred (200) feet of the main entrance primarily used by voters on Election Day. Commissioner Coleman made a motion to adopt O-05-15, seconded by Commissioner Lampe. Steve Franzen explained that State law prohibited electioneering within 300 feet of a polling place. That statute was struck down by a recent ruling of the US Sixth Circuit Court of Appeals. As a result, he recommends that the Fiscal Court repeal its Ordinance governing electioneering to avoid being sued. All voted "AYE" and the motion passed.

Ms. Spicer then presented new business beginning with Resolution R-68-15 by title and summary. R-68-15 amends Senior Citizens services contracts with Helping Hands, Lifeline Homecare, Visiting Angels and Visiting Nurse Association. The amendment will remove the minimum contract requirement of \$15,000. Commissioner Coleman made a motion to adopt R-68-15, seconded by Judge Pendery. Kim Serra explained that there is a maximum amount that can be spent by all agencies together, and that one agency did not receive enough referrals to meet the minimum contract requirement. She further stated that not all of the funds will necessarily be spent; payments are made on a reimbursement basis. All voted "AYE" and the motion passed.

Resolution R-70-15 was read by title and summary given. R-70-15 authorizes the Judge/Executive to apply for the 2016 Waste Tire Grant in the amount of \$4,000 from the Kentucky Department for Environmental Protection, Division of Waste Management. The grant funds will be used to pay the costs of disposing of waste tires collected at the Campbell County Cleanups. Commissioner Lampe made a motion to adopt R-70-15, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-57-15 was read by title and summary given. R-57-15 authorizes the Judge/Executive to execute a contract with the Alexandria Fair Board. The contract provides a contribution from the Fiscal Court of \$2,000 to improve the fairgrounds courtyard and to

promote Campbell County at the 2015 Alexandria Fair. Commissioner Painter made a motion to adopt R-57-15, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to appoint Raymond Pfaff to the seasonal position of Parks and Recreation Maintenance Worker with compensation set at pay grade 7, \$10.56 per hour effective June 6, 2015 through the 2015 Park season. Motion was made by Judge Pendery, seconded by Commissioner Painter. Matt Elberfeld explained that the amount of money spent on seasonal employees is the same no matter how many are hired because there are only so many hours worked each day – it is a matter of how many people are available to work those hours. By hiring additional seasonal workers it doesn’t change the amount spent. All voted “AYE” and the motion passed.

A motion was requested to accept the resignation of Michael Carpenter, Building Inspector, effective June 15, 2015. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to reappoint Vera Powell and Dan Keller and to appoint Marsha Dufeck to the Northern Kentucky Area Development District Council on Aging for a two-year term each effective July 1, 2015 through June 30, 2017. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to appoint Kathy Lauer and Lee Cordray to the Campbell County Cooperative Extension Board for a three-year term each effective June 30, 2015 through June 29, 2018. Ms. Lauer and Ms. Cordray will replace Judy Ihrig and Barb Heck whose terms expired and who chose not to be reappointed to the Board. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to reappoint William Donnermeyer to the Northern Kentucky Convention and Visitors Commission for a three-year term effective August 1, 2015 through July 31, 2018. Motion was made by Judge Pendery, seconded by Commissioner Coleman. All voted “AYE” and the motion passed.

A motion was requested to reappoint Representative Joseph Fischer to the Northern Kentucky Convention and Visitors Commission for a three-year term effective August 1, 2015 through July 31, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to reappoint Jody Robinson to the Transit Authority of Northern Kentucky (TANK) Board of Directors for a four year term effective July 1, 2015 through June 30, 2019. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to appoint Robert B. Horine III to the Sanitation District No. 1 Board with a term effective June 4, 2015 through December 12, 2018. Mr. Horine will fill the unexpired term of Jeff Schlosser who resigned from the Board. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Kevin Gordon, Barb Weber, J R Roth, Dan Hull,

Eric Hermes, Bill Woody, Steve Trauth, Anna Zinkhon and others in the audience addressed the Fiscal Court opposing the appointment of Mr. Horine who is a Kenton County resident. They want a Campbell County resident as the County's representative on the SD1 Board. Mr. Trauth submitted his name for appointment to the SD1 Board citing his qualifications to serve on that Board. Judge Pendery recounted how, during the recession when construction prices and interest rates were low, SD1 borrowed money to finance repairs and installation of infrastructure to promote growth in the region. As a result 55 percent of SD1's budget goes to debt service. He believes that these actions are still the biggest cost savings in the history of SD1. Judge Pendery then talked about the history of the Environmental Protection Agency's (EPA) consent decree and planning and compliance efforts made by SD1 in anticipation of the consent decree. The preplanning and proposals of SD1 likely saved \$100,000's. He pointed out that communities locally across the country have banded together to complain about compliance with consent decrees. He stated that rates in northern Kentucky are better than other communities faced with complying with a consent decree. Judge Pendery noted various cities that have been fined by the EPA for failure to comply with the consent decree. Judge Pendery stated that he has never appointed anybody to a major board whose behavior he is unfamiliar with and in whom he does not have a very high level of confidence. He has made several hundred appointments to boards in his 17 years as Judge/Executive and all but a few have been Campbell Countians; not all boards require residency in the County. He stated that normally it may take a year to get educated and acclimated to serve productively on a board; the matters under consideration at SD1 are very complex. Most people on the SD1 board are new or recently appointed. He has the opportunity to appoint a person who has handled all complaints from Campbell Countians for the last 13 years and has researched what needs to be done, has served as Deputy Judge Executive and County Administrator for 13 years and has provided oversight of SD1 for 13 years. He further stated that there is nobody in Campbell County that has the background to serve on the SD1 Board that competes with Mr. Horine. Judge Pendery cited several major sewer projects that Mr. Horine was intimately involved in with SD1. He stated that under the circumstances, he thinks that it is more important to have somebody who can influence the course of events in our favor than to have somebody who lives here. The Fiscal Court heard additional comments about SD1's rate increases and its work performance. Commissioner Coleman stated that he was humbled in November when the citizens of Campbell County showed confidence in him by electing him to the Fiscal Court. He wants to show the public that he has confidence in Campbell County. He stated that he has nothing against Mr. Horine but a businessman is needed on this Board more than a government person. Commissioner Coleman stated that he has confidence in a Campbell Countian to serve on the Board and will vote "No". Commissioner Painter stated that Triple Crown subdivision in Boone County is blocked from growing because they cannot get permits. On the other hand Arcadia, in Campbell County, is building up. The \$40 million waste water treatment plant in Alexandria was not built with money generated only in Campbell County. Campbell County needs to work regionally with Boone and Kenton Counties to generate the prosperity that it needs to grow. Commissioner Painter stated that serving on the SD1 board is very complex and the best person should be appointed. He stated that if the Judge/Executive nominates a qualified candidate, the Commissioners should support him; he has the exclusive appointment power of board members. Judge Pendery deserves the Commission's support because he has created an environment of prosperity in Campbell County by being instrumental in getting the Eastern Regional treatment plant constructed. Commissioner Lampe stated that he heard a lot of comments about SD1

issues during his campaign and has heard many comments recently about the importance of the appointment to the SD1 Board. He stated that he understands the sensitivity that Mr. Horine is not a resident of the County, and he appreciates the comments. However, Robert Horine is the most prepared, experienced, dedicated and conscientious person, and he trusts him to work hard for Campbell County. Commissioners Lampe and Painter and Judge Penderly voted “AYE”, Commissioner Coleman voted “NAY” and the motion passed.

Matt Elberfeld requested that the Fiscal Court meet in executive session pursuant to KRS 61.810(1)(e) collective bargaining negotiations between public employers and their employees or their representatives. The session will take place at the end of regular business and no action will be taken as a result. Motion was made by Commissioner Coleman, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

Commissioner Coleman requested that the Fiscal Court respond to comments made by a Cincinnati Police Department Captain that they should push crime back into Kentucky. He suggested that a letter be sent to Cincinnati Mayor Cranley and Police Chief Blackwell regarding the comments. Chief Sorrell stated that the Captain later backed up her statement by saying that they are seeing an influx of Kentucky-licensed vehicles in Walnut Hills, and she’d like to send those people who are coming to Ohio to engage in criminal activity back to Kentucky. Judge Penderly stated that he has been in Frankfort lobbying them to toughen the heroin penalties in Kentucky so that the deals get done in Cincinnati and somebody may have taken offense at that. He stated that he will see Mayor Cranley soon and he will let him know.

Commissioner Coleman stated that NKU has talked about moving Chase Law School to Kenton County; he wondered how the Fiscal Court should respond to that. Campbell County doesn’t need to lose Chase Law School, especially the loss of income to Highland Heights and the County. Judge Penderly stated that he doesn’t think anything is definite. If the Kenton County Fiscal Court builds a new building, it would leave their downtown Covington building available. He doesn’t know if it will absolutely happen, but they will stay on top of it. Commissioner Lampe agreed that Chase Law School needs to be kept in Campbell County.

Commissioner Lampe advised that he and Judge Penderly toured the CCAT (Center for Chemical Addiction Treatment) House a treatment center in Cincinnati that uses Suboxone in treatment of heroin addicts. They are using an ingredient of Suboxone known as Subutex for pregnant women. This is part of the ongoing effort to learn about the heroin epidemic and our long-term vision for the detention center and treatment beds and the transition of inmates to a treatment program upon release. CCAT has been in existence for 45 years. Judge Penderly stated that he was impressed especially with the treatment of heroin-addicted pregnant women.

Judge Penderly announced that the Taste of Newport will be held on Sunday, June 7 from 11:00am to 7:00pm in the 600, 700 and 800 blocks of Monmouth Street. Food vendors will be set up along the street and live music will be played throughout the day.

Marie Schenkel requested a motion to authorize staff to advertise for bids to clean up the creek at Nine Mile Road. Commissioner Coleman stated that sometime in the past County workers filled the creek with concrete, and now the Army Corps of Engineers is requiring that it be cleaned up.

Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to authorize staff to advertise for bids for a dumpsite to dispose of approximately 3,500 cubic yards of material from the Nine Mile Road creek clean up. 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 for bids for the purchase of a single axle dump truck to replace a truck currently in use by the Road Department. Motion was made by Judge Pendery, seconded by Commissioner Painter. Commissioner Coleman pointed out that this replaces a 1993 truck with about 275,000 miles. All voted “AYE” and the motion passed.

A motion was requested to authorize staff to advertise for the purchase of a V-box snow and ice control equipment for use by the Road Department. This equipment will be used with the new dump truck. Motion was made by Commissioner Painter, seconded by Judge Pendery. All voted “AYE” and the motion passed.

Resolution R-69-15 was read by title and summary given. R-69-15 authorizes preapproval of Senior Picnic related bills not to exceed \$5,000. The picnic will be held on September 16, 2015. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to declare certain vehicles and large equipment as surplus property and authorizing the disposal of same through an online auction. A list of vehicles and equipment was provided to the Fiscal Court. Motion was made by Judge Pendery, seconded by Commissioner Painter. Commissioner Painter suggested that a link to “govdeals.com” be added to the County’s website. All voted “AYE” and the motion passed.

Ms. Schenkel then requested a motion to approve the claims and election claims as presented for June 3, 2015. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Coleman, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

At 8:45 p.m. the Fiscal Court met in Executive Session pursuant to motion previously made.

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

There being no further business to come before the Fiscal Court, Commissioner Lampe made a motion to adjourn, seconded by Commissioner Painter All voted “AYE” and the meeting adjourned at 9:15 p.m.

Attachments:

Ordinance O-03-15 Adopt Code of Ordinances Supplement

Ordinance O-04-15 Amend Code – “Authority to Carry Concealed Deadly Weapons”
Ordinance O-05-15 Rescind Ordinance O-22-04 “Electioneering”
Resolution R-68-15 Amend Senior Services Contracts
Resolution R-70-15 Application for Waste Tire Grant
Resolution R-57-15 Contract with Alexandria Fair Board
Resolution R-69-15 Preapproval of Senior Picnic Expenses
Claims and Election Claims June 3, 2015

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk