CAMPBELL COUNTY FISCAL COURT
MINUTES

OCTOBER 21, 2015

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, October 21, 2015 at 5:30p.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
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Matthew Elberfeld	County Administrator
Steve Franzen	County Attorney
Kim Serra	Assistant County Administrator
Marie Schenkel	Finance Director
Paula Spicer	Fiscal Court Clerk
Lieutenant Dennis Lehmkuhl	Campbell County Police Department
Cindy Minter	Planning and Zoning Director
Sarah Collins	Housing Director
Larry Harrod	Parks and Recreation Director

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 regular meeting of October 7, 2015 were presented. Commissioner Painter made a motion to adopt the minutes, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public. There being none, he proceeded with the agenda.

Walt Dunlevy and Kevin Hanson members of the A J Jolly Park Community Development Council (CDC) reported on the Festival on the Lake that was held on August 15, 2015 at A J Jolly Park. Mr. Dunlevy thanked the Fiscal Court for their support and Larry Harrod and the

Parks and Recreation staff, and the Campbell County Jail for providing inmates for additional help. He also expressed appreciation to the businesses that sponsored the event. Mr. Dunlevy stated that attendance was about 6,000-7,000 – down a little from last year which he believes was due to the heat. He stated that he received good feedback on the music this year and comments from people about good things going on at the park. Mr. Dunlevy stated that the CDC is a small group and it takes a lot of work to present these events. Kevin Hanson, co-chair stated that they will regroup and reconfigure to make the event more manageable next year. He stated that the proceeds of the event will be used to fund half of the study for the RV campground and splash park. Mr. Dunlevy stated that they did not meet their goal but did make a little money and will pay their share of the study. Commissioner Lampe thanked them for putting on a great event. Judge Pendery advised that the CDC was formed by a group of very talented private citizens to find ways to use A J Jolly Park to its full potential. Mr. Dunlevy stated that the Master Plan is a road map for them. They are in the process of looking at the physical features of the park in terms of timing and budgeting for maintenance, replacement and repair of park features, in addition to public-private partnerships similar to the Stapleton Pavilion. Judge Pendery stated that the Fiscal Court appreciates their efforts. Across the Country where communities are making progress it is due in large part because private individuals and private businesses are stepping in to fill gaps left by governments. Commissioner Coleman stated that a local business told him that they were going to participate in the festival, but didn't because of competition for their particular product. They have a Campbell County occupational license and pay payroll taxes and the competition was from out of state. Mr. Dunlevy replied that participation in the festival is not exclusive. Mr. Hanson stated that the subject businesses were not selling the same product but similar products. The CDC tries to provide a variety and can't afford to be exclusive. Commissioner Coleman stated that the complaint was that the vendor was going to have competition. The vendor's point is that he is a Campbell County business, has an occupational license, pays payroll taxes and somebody from out-of-state is going to compete at a one-day Campbell County event. Mr. Dunlevy stated that all vendors pay the same amount to participate in the event. Larry Harrod stated that the person who books vendors for the festival tries to not have competing products, however in this instance one vendor was in the main area and the other was in the children's area which are located apart from each other.

Paula Spicer presented old business with a second reading of Ordinance O-12-15 by title and summary. O-12-15 updates the official list of roads in Campbell County, Kentucky that will be controlled and maintained by the Campbell County Fiscal Court for Murnan Road. Judge Pendery made a motion to adopt O-12-15, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

New business was then presented beginning with Resolution R-135-15 by title and summary. R-135-15 authorizes the Judge/Executive to execute an Interlocal Cooperation Agreement with Northern Kentucky Water District to enable the County and Water District to enter into Project Agreements for joint construction of improvements. Commissioner Painter made a motion to adopt R-135-15, seconded by Commissioner Lampe. Matt Elberfeld explained that any time the Water District replaces a water main they also resurface 8-10 feet of roadway. The agreement will allow the County to pave the whole road and the Water District will reimburse it for the cost of the portion that they would have paved. It is a more efficient process. All voted "AYE" and the motion passed.

R-136-15 was read by title and summary given. R-136-15 authorizes the Judge/Executive to apply for Litter Abatement Grant funds from the Kentucky Division of Waste Management for 2016. The Fiscal Court applies for these funds annually to offset the cost of its Trash for Cash program. Historically, the Fiscal Court has received funding in the amount of $54,000. Commissioner Painter made a motion to adopt R-136-15, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

R-137-15 was read by title and summary given. R-137-15 amends the Department of Housing's Administrative Plan to allow for the administration of Project-Based Vouchers. Commissioner Coleman made a motion to adopt R-137-15, seconded by Judge Pendery. Commissioner Coleman asked if these vouchers are specific to the Highland Heights senior housing project. Sarah Collins explained that an agency must first amend its administrative plan to allow project-based vouchers before they can be issued. By amending the plan the agency has the opportunity to issue project-based vouchers in the future. She explained that project-based vouchers are issued for a specific site; if the person moves the voucher must continue to be used at that site. Housing choice vouchers are able to be used on independently owned housing anywhere in the community. She advised that Highland Village is a potential opportunity that would have to be approved by HUD and other considerations for project-based vouchers. All voted "AYE" and the motion passed.

R-138-15 was read by title and summary given. R-138-15 amends the policy for acceptance of certain existing roads located in Campbell County, Kentucky. This amendment updates the criteria, procedure for acceptance and payment options for the conversion of private roads to County-maintained roads. Judge Pendery made a motion to adopt R-138-15, seconded by Commissioner Lampe. Cindy Minter stated that this resolution is recommended jointly by the Planning and Zoning and Road Departments. Commissioner Painter stated that he is opposed to this resolution. He researched the history of this policy when it was developed for the reconstruction of Kramer Drive. He explained how the residents were assessed for the improvements so that the road would be accepted by the County for maintenance. A different method was used in 1987 and 1983 to accept roads for maintenance. Commissioner Painter stated that when the County accepted Kramer Drive it also accepted Charlotte Drive, which was in decent condition, for maintenance. If the proposed policy was in place at that time, Charlotte Drive could not have been accepted by the County. He explained how Keating Drive was improved last year. In that case, the Fiscal Court decided to invest additional funds on Keating to increase the lifespan of the street before they accepted it for maintenance. Commissioner Painter stated that he does not like the changes made by this amendment. He thinks that the 2008 policy provided more options for those roads that are on the verge of being acceptable. Under the new policy any road would have to meet the County's engineering standards and subdivision standards. This means that there is no real reason for this policy other than to have a payment plan to have a new road accepted by the County. He would like the policy to remain the same. Judge Pendery stated that the Fiscal Court and staff should take a longer look at this policy. He asked if a meeting with staff to review the policy and address concerns would help. Commissioner Coleman stated that he had no questions and planned to support the resolution. Commissioner Lampe stated that he was going to support it as well. Judge Pendery stated that he would like the entire Fiscal Court to be on board with this because it can be a contentious issue. He suggested a meeting with staff to make sure everybody agrees as to what flexibility is needed.

Commissioner Coleman asked if the County has accepted any roads in the last 3-5 years that do not meet County standards. Cindy Minter stated that the current policy is to accept roads that meet the standards at the time the roads were originally constructed. Commissioner Lampe stated that he is generally in favor of the consistency of adopting roads, but wants to minimize exposure if a road is adopted and then becomes a liability in a short period of time. Ms. Minter stated that this is an important policy and she agrees to delay action on the resolution to have additional dialogue and further understanding. There are items in the previous policy that do not give the County the flexibility that staff would like. Judge Pendery asked if the Fiscal Court was agreeable to table this resolution and schedule a meeting with staff to discuss further. Commissioner Lampe stated that based on the comments, further discussion is needed.

R-139-15 was read by title and summary given. R-139-15 authorizes application to the Campbell County and Municipal Planning and Zoning Commission for modifications to the subdivision regulations. Cindy Minter explained that the subdivision regulations were updated in 2011. Since then, staff has determined that there is some language that needs to be clarified. Kenton and Boone Counties have recently updated their subdivision regulations and there are some pavement issues that are not consistent among the three counties. Ms. Minter stated that Kenton County worked with the homebuilders association and engineering community to look at some failing roads. They performed some pilot projects, spending dollars wisely on pavement conditions by looking at the system as a whole. Judge Pendery stated that this resolution is simply to ask the Planning and Zoning Commission to consider changes and not necessarily directing that particular changes be made. Commissioner Painter made a motion to adopt R-139-15 stating that it is a good idea to have the Planning and Zoning Commission take a look at this. Judge Pendery seconded the motion. Commissioner Painter stated that he attended an engineering conference. They looked at a northern Kentucky mix for concrete that is specifically made to make better joints which is the site of a lot of pavement failure. They also discussed getting more dedication from city and county road departments to do more joint sealing to improve roadways without a big increase in cost. Commissioner Coleman asked if this would apply to Mallard Drive. Matt Elberfeld stated that this resolution would just direct the Planning Commission to look at our standards. The issues on Mallard regarding proper drainage could be looked at as part of these standards. Judge Pendery stated that all three counties have come to realize that there are deficiencies in standards. Ms. Minter stated that this is an unprecedented effort by the engineering community, the homebuilders association and planners to find a long term solution to get better longevity out of our road systems. All voted "AYE" and the motion passed.

A motion was requested to approve the termination of Harold Eglian, part time Maintenance Worker effective October 8, 2015. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for a part time Maintenance Worker. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Ben Seever to a full time Road Maintenance Specialist I effective November 6, 2015 with compensation set at pay grade C1, $21.46 per hour ($44,636.80

annually with total annual benefit cost of $17,081.29) in accordance with the current AFSCME working agreement. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Commissioner Coleman announced that Senior Services of Northern Kentucky (SSNK) has gone bankrupt and will close on Friday. He asked who monitors this agency. Judge Pendery stated that it is widely known that SSNK has had financial difficulties. Commissioner Coleman added that the utilities were turned off at some of the senior centers. Judge Pendery stated that it is uncertain whether people in the SSNK organization or its Board of Directors were aware of the extent of the financial problems. He stated that a representative of all constituencies served by SSNK were invited to a meeting earlier this week to explain what was going on. Judge Pendery stated that he wants everybody to understand that there are other providers in the community for all services that SSNK provides. Most home-delivered meals to senior citizens in Campbell County are provided by another agency. He explained that the Northern Kentucky Area Development District (NKADD) receives federal funds and solicits bids for services covered by these funds. SSNK was the best bid for a number of these services. There are also other sources of revenue for these services including Campbell County's payroll tax. The counties and cities are now free to contract with other agencies to provide these services. In response to Commissioner Coleman's question Judge Pendery stated that SSNK is responsible for their debts. They have an attorney and a financial consultant. The affected parties are working with the NKADD. None of the senior citizens currently served by SSNK should worry, their needs will be covered by another provider. Commissioner Coleman stated that this situation will not apply to the Campbell County Senior Center. Matt Elberfeld stated that the NKADD manages other senior centers and has offered to manage those centers that were managed by SSNK. Campbell County manages its own Senior Center. Judge Pendery stated that audits do not necessarily uncover fraud; an audit does not reveal everything about an organization's financial situation. He stated that an explanation from SSNK management and board is needed. Commissioner Coleman stated that he did not have a positive experience with SSNK when he volunteered to participate with its home-delivered meals program. Judge Pendery stated that at a meeting on Monday (October 19) it was announced that Friday (October 23) would be the last day of operation. Kim Serra advised that the Fiscal Court is withholding its last payment to SSNK.

Commissioner Coleman stated that at the last meeting comments were made about the meeting minutes. He stated that the public doesn't see the minutes and the minutes are approved by the Fiscal Court. The public may have questions about the minutes. He asked if the minutes would be made available in draft form for public review before they are approved by the Fiscal Court. Judge Pendery explained that on Fridays there is a staff meeting and the agenda for the following Wednesday's meeting is finalized and sent out to the Commissioners. He believes that the people who are going to make the decisions and have to answer to the public should have the information before the public does so that they can respond to questions from the public. On Tuesday an email is sent to the media and to any members of the public who have asked in advance to have information sent to them. The people who are complaining have had those things sent to them because they signed up. He stated that the agenda is a sparse document that lists all things that will be addressed – it is required to be made public. As a courtesy, staff provides a summary that has enough detail so that a person can determine whether an agenda

item affects them or their property. Judge Pendery stated that when the minutes are approved they are put on the County's website. He has belonged to dozens of organizations and has never had anybody that was worried about how their comments before a body were reflected in the minutes. People would be free after the minutes are approved, to point out a mistake and ask that the minutes be amended. The Fiscal Court could amend the minutes if the complaint was valid. Judge Pendery stated that the County's procedures in place are open and transparent and go beyond what other organizations provide. Steve Franzen stated that a person could address the Fiscal Court regarding what they believe are errors in the minutes and present proof. The Fiscal Court could amend the minutes if it agrees that there is an error. He further stated that it is not a good idea to have a lot of "draft" minutes in the public domain because the minutes may become germane to something at a later date. In answer to Commissioner Lampe's question, Mr. Franzen stated that a document in draft form is not considered a public record. A policy could be developed to allow draft forms to be disseminated. Judge Pendery stated that there are things that are sensitive, particularly employee matters, that you wouldn't want to publicize until you know how everybody wants to proceed. He stated that currently it is a pretty good system. Mr. Franzen reiterated that a person could come to the next meeting and present evidence as to why the minutes that were approved were inaccurate and they could be amended. Commissioner Coleman stated that the public should note that at any time they want, they can object to the minutes. Judge Pendery stated there are many calls in the days prior to meetings with questions and staff is happy to answer them. They have also met with people who have particular interests. He believes that with respect to the agenda and minutes, they are doing pretty well.

Commissioner Coleman stated that he wants to keep the Chase Law School issue in the public minds. He gave the *River City News* the document that he spoke about at the last meeting that Kenton County has given to the Chamber to make getting funding for the Kenton County building a priority. He gave his business card to Trey Grayson at the last Eggs 'N Issues meeting and asked him to call. He is still waiting for a call from Mr. Grayson.

Commissioner Lampe stated that on Monday night he attended a Heroin Impact Response Task Force community update. He named the presenters at the meeting. Discussion was had on education, prevention, enforcement and treatment and ways to battle the heroin addiction problem. He was advised over the weekend by the nurse manager at St. Elizabeth that there were 846 overdose cases this year through September 2015. At that pace, the number of overdoses will reach 1128 by the end of this year. He stated that the problem is not getting any better. A syringe exchange program was also discussed at the meeting. He stated that that issue will be brought before the Fiscal Court at some time. He encouraged attendance at the Heroin Impact Response Task Force meetings.

Commissioner Lampe attended the ground breaking ceremony today at Northern Kentucky University for the $97 million Health Innovation Center. Governor Beshear was present along with dignitaries from NKU. This is a 95,000 square foot new construction dedicated to health innovation. NKU projects that over 51,000 health care workers will be needed between now and 2020. This is the first new academic building built at NKU since Griffin Hall in 2011. The new building means more classrooms, more jobs, and more teachers.

Commissioner Lampe stated that after the NKU ground breaking the Governor went to Covington to present a sizable check to the City of Covington for the Riverfront Commons project. He then presented a $530,000 check to the City of Dayton for its Riverfront Commons project. The Governor also presented a $250,000 check to the City of Silver Grove for its Safe Routes to School program for installation of sidewalks. Commissioner Lampe stated that a $976,000 check was presented to TANK for two electric/diesel buses. He gave Jack Moreland and Southbank Partners and state legislators credit for this funding.

Commissioner Painter thanked Commissioner Lampe for tracking the heroin information.

Judge Pendery announced that the Campbell County Fall Clean Up will take place on October 23, 24 and 25, 2015.

Judge Pendery announced that the Campbell County Parks and Recreation Department will host the 2nd annual Halloween Spooktacular at A J Jolly Park on October 24th from 1:00-8:30pm.

Judge Pendery announced that the Campbell County Fiscal Court and Mayor's meeting will take place on October 27th at 6:00pm in the Fiscal Court Chambers, County Administration Building, 1098 Monmouth Street, Newport, Kentucky.

Marie Schenkel presented Resolution R-140-15 by title and summary. R-140-15 authorizes the Judge/Executive to execute an inter-departmental Service Agreement between the Planning and Zoning and Housing Departments for the purchase of Housing Inspection Services. The Housing Department no longer has an inspector but the Planning and Zoning Department does have personnel with those capabilities. Pursuant to this agreement, the Planning and Zoning Department inspector will perform inspections for the Housing Department in consideration of an annual fee of $15,000 payable quarterly. Judge Pendery made a motion to adopt R-140-15, seconded by Commissioner Coleman. Commissioner Coleman recalled that a person was hired recently in anticipation of doing these inspections. All voted "AYE" and the motion passed.

Commissioner Lampe stated that the Fiscal Court recently got a report on its credit rating and asked for a brief explanation. Matt Elberfeld explained that Moody's affirmed an AA2 rating – the third highest possible bond rating. The high rating is based on the County's strong tax base, growing payroll tax receipts and the healthy level of financial operating reserves. Mr. Elberfeld stated that this means a lower interest rate on the borrowing for the detention center renovation project. Judge Pendery stated that this bond rating is about as high as it gets among governments in Kentucky. He is happy about this – it reflects well on the Fiscal Court and financial management of the County.

Marie Schenkel requested a motion to approve the claims and supplemental claims as presented for October 21, 2015. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. 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 6:55 p.m.

Attachments:
Ordinance O-12-15 Update List of County-Maintained Roads
Resolution R-135-15 Interlocal Agreement with N KY Water District
Resolution R-136-15 Application for Litter Abatement Grant Funds
Resolution R-137-15 Amend Housing Department's Administrative Plan
Resolution R-139-15 Application for Modifications to Subdivision Regulations
Resolution R-140-15 Execute Inter-Departmental Service Agreement for Housing Inspections
Claims October 21, 2015

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk