CAMPBELL COUNTY FISCAL COURT
MINUTES

November 4, 2015

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 4, 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	County Attorney
Matt Elberfeld	County Administrator
Paula Spicer	Fiscal Court Clerk
Kim Serra	Assistant County Administrator
Colonel Craig Sorrell	Campbell County Police Department
Lori Zombek	Human Resources Director
Cindy Minter	Planning and Zoning 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 special meeting of October 21, 2015 were presented. Motion was made by Commissioner Coleman, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

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

Judge Pendery introduced David Schaber who has resigned after serving over 35 years on the Campbell County Board of Adjustment and over 25 years on the Campbell County and Municipal Planning and Zoning Commission. Judge Pendery stated that these boards deal with controversial matters and Mr. Schaber was always very diplomatic and served as a mentor to other board members. He then read a proclamation proclaiming November 8, 2015 as David Schaber, Community and Regional Planning Day in Campbell County. Commissioner Lampe made a motion to adopt the proclamation, seconded by Commissioner Painter. Commissioners Lampe and Painter thanked Mr. Schaber for his years of service to the citizens of Campbell

County. Steve Franzen stated that he had a couple of occasions to appear before Mr. Schaber and he was always treated with respect. Mr. Schaber introduced his family members that were present and stated that it has been a pleasure to serve on the boards; the Planning Commission has come a long way since he joined. He complimented the Planning and Zoning Department staff. All voted "AYE" and the motion passed.

Irvin Bacon addressed the Fiscal Court regarding the condition of the parks and provided photographs of the restrooms and weed growth around the lake. He stated that the parks employees should be trained on proper cleaning methods and that the weeds around the lake should be cut for people who want to fish. Commissioner Coleman thanked Mr. Bacon for his comments. Mr. Bacon stated that other users of the park agree with him about the condition of the restrooms and have made comments about the parking situation.

Adam Caswell, Assistant Vice President of Government, Corporate and Foundation Engagement of Northern Kentucky University (NKU) introduced himself to the Fiscal Court and began his presentation regarding the University's legislative priorities for the 2016 session of the General Assembly. Mr. Caswell presented statistics regarding the student population enrolled at NKU. He then talked about the recent groundbreaking on the $97 million Health Innovation Center. NKU will be celebrating its 50 year anniversary in 2018. Mr. Caswell stated that 2,275 Campbell Countians are enrolled at NKU this year. The University is focusing on increasing the number of high school students involved in dual credit programs in order to save future tuition costs for students. Currently the 184 Campbell County high school students that participate in this program will save nearly $326,000 toward their college degrees. He then talked about campus amenities particularly the new campus recreation center. Mr. Caswell advised that NKU received approximately$49 million from the State as its appropriation for its services. He then displayed charts showing bachelor degree production at NKU and how it has doubled over the last 15 years, and how it compares to other institutions. He stated that based upon degrees conferred, NKU is at a $5,000 negative differential from the median of what other institutions are awarded per degree from the State. This is done without any reasonable explanation. They will be asking for a rational funding model for higher education institutions in Kentucky. Due to lack of state funding, NKU has had to increase tuition and costs to students. Increased pension costs are also eating into the University's general fund. NKU is asking community partners to join them in Frankfort to advocate. In 2013 the Council on Postsecondary Education formed a resolution asking the state legislature to come up with a rational funding model. NKU has found that it is approximately $10.7 million underfunded compared to what the median level is for regional institutions. Mr. Caswell stated that NKU is asking for two things during the upcoming legislative session: address funding disparities and create a rational funding model for higher education. Mr. Caswell answered questions from the Fiscal Court. Judge Pendery thanked Mr. Caswell for attending the meeting. NKU is probably Campbell County's largest employer and probably second only to the airport in northern Kentucky as an economic driver. The Fiscal Court will do everything that it can to help NKU. Mr. Caswell will keep the Fiscal Court informed about its campaign to join NKU's efforts in Frankfort.

There being no old business, Paula Spicer presented new business beginning with Resolution R-125-15 by title and summary. R-125-15 adopts guidelines for public use of Fiscal Court facilities. Judge Pendery stated that the intent of this resolution is not so much to change the

policy, but to get it in writing. Commissioner Painter stated that the Fiscal Court has a right to know who is in the building and what they are doing. He then made a motion to adopt R-125-15, seconded by Commissioner Lampe. In response to Commissioner Coleman's question, Matt Elberfeld explained that the parks are not included because they have their own rental agreements and rental policies previously adopted by the Fiscal Court for rental of private picnic shelters and the Stapleton Pavilion. Commissioner Coleman stated that he has no problem with the provision that an organization may not charge admission fees but asked why the Fiscal Court cares if it solicits donations. Kim Serra stated that the intent was soliciting donations to attend the meeting. Matt Elberfeld clarified it with an example of a suggested donation of $5 at the door. Commissioner Coleman stated that the Tea Party passes the hat at its meetings; is that permissible? Mr. Elberfeld replied that it was as long as the Tea Party isn't recommending a payment to attend the meeting. The provision is intended to prevent finding a way to get around the prohibition of charging admission. Ms. Serra stated that there are two organizations that use the facility on a regular basis, and other organizations that have used it on occasion. Commissioner Coleman asked if the Tea Party or any other organization can pass the hat and take up a donation while using the facility. Mr. Franzen stated that it reads that nobody is allowed to solicit donations. If it is meant to prohibit admission charges the wording about donations should be left out. Commissioner Coleman stated that he is good with the policy except for that provision. He would vote "yes" is that language could be stricken. Mr. Franzen gave an example of what they don't want is to have a candidate asking for money during a meeting – that would not be appropriate. He suggested that the provision may need to be reworded. Judge Pendery suggested that the section could be changed, but there needs to be a provision addressing soliciting donations. Commissioner Coleman stated that the money collected at Tea Party meetings is to buy candy for parades and recently to replace tires on a trailer. Ms. Serra stated that she will take the feedback from tonight, redraft the policy and send it to Mr. Franzen for review. Judge Pendery agreed that the wording be changed and new drafts be circulated for review. Commissioner Painter made a motion to table R-125-15 to the next Fiscal Court meeting, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-142-15 was read by title and summary given. R-142-15 authorizes a transfer of funds of the Senior Citizens Payroll Tax allocation for Fiscal Year 2016. The Fiscal Court previously allocated $50,000 to Senior Services of Northern Kentucky (SSNK) for a home delivered meals program. Due to the closing of SSNK, staff recommends transferring the remaining $45,000 to Wesley Community Services who currently provides home delivered meals to some senior citizens in Campbell County. Commissioner Coleman made a motion to adopt R-142-15, seconded by Commissioner Painter. Kim Serra pointed out that Wesley sends an invoice for services provided and is reimbursed by the Fiscal Court. All voted "AYE" and the motion passed.

A motion was requested to appoint Lisa Haines to the full time position of Administrative Assistant (HR/Finance) effective November 9, 2015 with compensation set at Pay Grade 11, $20 per hour with total annual benefit cost of $14,995.73. Motion was made by Judge Pendery, seconded by Commissioner Coleman. Judge Pendery stated that this appointment is part of a larger set of management moves that have resulted in a more efficient operation and more efficient allocation of work. All voted "AYE" and the motion passed.

A motion was requested to appoint Charles Krift to the full time position of Maintenance Specialist effective November 5, 2015 with compensation set at Pay Grade 12, $21.17 per hour ($44,033.60 annually) with total annual benefit cost of $16,928.56. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-141-15 was read by title and summary given. R-141-15 appoints Marie Schenkel, Cynthia Minter and Henry Pogue V as members of the 911 Service Fee Appeals Board for a one year term effective November 1, 2015 through October 31, 2016. Judge Pendery made a motion to adopt R-141-15, seconded by Commissioner Lampe. Commissioner Coleman asked why the government gets two people on the appeals board and the people only get one. Judge Pendery stated that you need somebody who understands the fee and the regulations surrounding it. Mr. Elberfeld explained that the board is mostly administrative and requires a lot of staff work. Therefore, having Fiscal Court employees on the board reduces a lot of time. He gave an example of the kind of appeals that are filed and how the board determines whether the appeal should be granted. Judge Pendery stated that some boards require judgment in the absence of evidence or facts, but this board collects the facts and the judgment becomes apparent. All voted "AYE" and the motion passed.

A motion was requested to recommend to the Kentucky Department of Public Health the reappointment of Lawrence Brennan MD and Daniel Sheridan DMD and the appointment of Judith M. Harrer, RPh to the Campbell County Local Board of Health for a two year term effective January 1, 2016 through December 31, 2017. Motion was made by Judge Pendery, seconded by Commissioner Coleman. Judge Pendery explained that the State requires that a certain number of doctors, dentists and other professions be appointed members of this board. It is not always easy to get these people and the Fiscal Court is very grateful that busy people are willing to give of their time to serve. Drs. Brennan and Sheridan have been on the Board for a long time and he is happy to welcome Ms. Harrer. All voted "AYE" and the motion passed.

Matt Elberfeld explained that the Army Corp of Engineers has mandated that the County remove fill that was dumped in Nine Mile Creek. The Fiscal Court previously solicited bids to remove the fill and restore the creek to its original condition. A bid was received from Dudley Construction for $162,325. The major part of that bid was for disposal of the fill material at the Rumpke facility in Pendleton County for a per ton disposal fee. Staff has been looking for a less expensive means of disposal. Mr. Elberfeld stated that staff contacted DCI Properties, the developer of Manhattan Harbour, who is in need of more clean fill for Phase 2 of their development. A written agreement was made with DCI and it has been submitted to the Corp of Engineers for approval. At this time Mr. Elberfeld requested a motion to reject the bid of Dudley Construction for the cleanup of Nine Mile Creek pursuant to the original specifications. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed. Mr. Elberfeld then requested a motion to authorize staff to rebid the cleanup of Nine Mile Creek with new specifications and also to add the cleanup of Uhl Road Creek as an alternate. The Uhl Road Creek project may be able to be performed in-house, but staff is interested in getting a bid to see what the cost may be. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Steve Franzen announced that the Fiscal Court did win the 911 Service Fee case in the Kentucky Supreme Court last week. He is happy with the outcome of the case which he believes is a fair way to pay for a very vital service. Judge Pendery congratulated Mr. Franzen and his staff on winning the case. He stated that if the County had lost the case, it may have cost the County millions of dollars in refunds. Commissioner Painted stated that the Kentucky Commissioners and Magistrates Association is excited about this ruling and its implications for other communities around the State that are trying to fund 911 operations in light of the reduction in land-line phones. Judge Pendery pointed out that the law is not clear as to what powers local governments have to raise money to perform the tasks that they are responsible for under the law. Previously the dispatch system was funded by a fee on land-lines and the number of land lines is dwindling. If there were not a reliable way to replace the money lost, there would not be a way to finance the dispatch service.

Commissioner Coleman thanked Mr. Elberfeld for helping a citizen this past week with the 911 fee. He stated that the person had vacant units on November 1 but the tax bill did not reflect the vacant units. The man was at the Sheriff's office, the PVA office and occupational office and then in Matt's office and Matt helped him get it resolved. Mr. Elberfeld stated that he had help from the PVA office who offered to reprint the tax bill. Commissioner Coleman stated that the issue involved the citizen's escrow account which would have been short if he'd paid all of the 911 fees that he was billed for. Mr. Elberfeld stated that he and the Sheriff talked to Citizens Bank and they will follow up with a letter allowing the Bank to deduct 911 fees for vacant units.

Commissioner Coleman asked if the Fiscal Court has heard anything from Mr. VanWinkle of Senior Services of Northern Kentucky (SSNK). He believes that SSNK owes an explanation to the public regarding its closing. He read that there was between $800,000 and $1 million in their account 1 ½ to 2 years ago. Other agencies have been picking up the slack, which is good, but he doesn't think that it should be forgotten. He stated that the Fiscal Court should take a leadership role and demand that SSNK tell us what is going on. Judge Pendery stated that those demands have been made by some people. He stated that audits are not designed to uncover fraud. Some people knew that the future of the organization was threatened and that it was a matter of time before they ran out of money. It was disappointing that they did not get more notice about the closing. Judge Pendery and presumably the other Judge/Executives received a phone call that there would be a board meeting within the week and that a vote would be taken on when and whether to close the operation. That call came 10-14 days before the closure. The meeting was called on a Monday and SSNK closed on a Friday. He stated that they did call for a review, not because they necessarily think that somebody misspent money, but because they should have given notice that the drawdown on resources was happening faster than they expected. Commissioner Coleman stated that prior to the present administration there were 65 employees and when they closed there were 90 employees – not all full time. He asked who monitors Senior Services. Judge Pendery stated that the Northern Kentucky Area Development District does. The SSNK Board of Directors has the primary responsibility, but it seems that the Board was poorly informed about what was going on. He stated that there definitely should be an accounting. He believes that it will come down to a question of mismanagement. Judge Pendery stated that he will ask some questions and find out where it stands; he is curious about it too.

Commissioner Painter announced that there was a bond sale today. Matt Elberfeld explained that the Fiscal Court is working on construction at the jail; it has passed ordinances and gone through the steps to borrow money to finance the project. Today was the competitive sale of the bonds. Investment banks bid on the bonds and they bid the interest – the lowest interest rate gets the bid. Staff had projected the interest rate at 3.3% interest and the low bid came in at a fixed rate of 2.6% for 20 years. This indicates that the bidders were confident in the Fiscal Court's ability to repay the bonds. The low interest rate is about a $200,000 savings over the life of the bonds. Commissioner Painter stated that the bidders looked at the financial status of the County and decided that it was a good bet because they run a tight ship, they have adequate reserves and everything was in order. The Fiscal Court has reserves and it was looking at a $7.5 million jail renovation. If it had taken money from the reserves for the jail it would be in a lesser financial position than it is. He complimented staff for making these projections and stated that you have to have a solvent financial base when going into a big expenditure like this. Mr. Elberfeld pointed out that a single bidder purchased the entire issue.

Mr. Elberfeld then requested a motion to approve the claims and supplemental claims as presented for November 4, 2015. 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 Lampe. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Painter made a motion to adjourn, seconded by Commissioner Lampe. All voted "AYE" and the meeting adjourned at 8:20 p.m.

Attachments:
Resolution R-142-15 Transfer of Senior Citizen Tax Funds
Resolution R-141-15 Appoint 911 Service Fee Appeals Board
Claims November 4, 2015

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk