CAMPBELL COUNTY FISCAL COURT
MINUTES

DECEMBER 16, 2015

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 16, 2015 at 5:30p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Cable Access was present to film the public hearing and meeting.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:30 p.m. to receive public comment on the discontinuance of East Nagle Road. Present at the hearing were:

Charlie Coleman, County Commissioner
Tom Lampe, County Commissioner
Brian Painter, County Commissioner
Steve Franzen, County Attorney
Matt Elberfeld, County Administrator
Paula Spicer, Fiscal Court Clerk
Kim Serra, Assistant County Administrator
Colonel Craig Sorrell, Police Chief
Cindy Minter, Director of Planning and Zoning

Cindy Minter opened the public hearing on the discontinuance of a portion of East Nagel Road on the south side of Peach Grove Road (Old KY 154), west of State Route 154 and east of US 27 in unincorporated Campbell County. She displayed a picture and described the portion to be closed. The road is no longer in service and the pavement has been removed. Ms. Minter stated that the Fiscal Court has followed all requirements of KRS 178.070 to close the road. In addition, the Campbell County & Municipal Planning & Zoning Commission has approved the disposition of land as a public facility. Mr. Tim Nolan, the abutting property owner, requested that the road be vacated so that he can acquire it. The State of Kentucky also owns abutting property, but they have no interest in it. Mr. Nolan stated that this action will put unused property back on the tax rolls. There being no further comments, the public hearing was closed at 5:35 p.m.

In attendance at the regular meeting were:

COUNTY COMMISSIONERS
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Matthew Elberfeld	County Administrator
Steve Franzen	County Attorney

Kim Serra	Assistant County Administrator
Paula Spicer	Fiscal Court Clerk
Colonel Craig Sorrell	Campbell County Police Department
Cindy Minter	Director of Planning and Zoning

The meeting was called to order at 5:35 p.m. by Commissioner Painter.

Commissioner Painter gave an invocation followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present. Commissioner Painter explained that Judge Pendery was absent to attend his son's graduation from flight school in Texas. He congratulated Chase Pendery upon his commission in the Air Force as a pilot.

Commissioner Lampe made a motion to appoint Commissioner Painter to preside over the meeting in the absence of Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Minutes from the Fiscal Court regular meeting of December 2, 2015 and the special meeting of December 10, 2015 were presented. Commissioner Coleman stated that he wanted to add something to the discussion about the Sanitation District No. 1 (SD1) rain tax/storm water collection that took place at the December 2, 2015 meeting. He stated that the intent for his proposed resolution was correctly stated as withdrawing the "unincorporated areas", but for those with septic tanks. He does not know if there are people in the unincorporated areas that have sanitary sewers. His intent was for those with septic tanks that are not receiving a service from SD1. He didn't say with a septic tank, he just said in unincorporated areas, but his intent was for those with a septic tank who are not customers of SD1. He would appreciate it if that addition could be made to the minutes. People in the unincorporated areas that have sanitary sewers and are getting service from SD1 should pay, but those that do not have that service should not pay – that was his intent. Steve Franzen asked if he is saying that the minutes are inaccurate or if he just wants to clarify a comment. Commissioner Coleman stated that no, he is not saying the minutes are inaccurate. Mr. Franzen stated that in that case it is not an addition to the minutes, it is just something to be made of record at this meeting. Commissioner Lampe made a motion to adopt the minutes, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

Commissioner Painter invited comments from the public.

Irvin J. Bacon Jr., 10016 Persimmon Grove Pike, Alexandria, Kentucky, stated that there are 20-25 lights on every night at A J Jolly Park for no reason; a lot of money is being spent on this. He further stated that there are about 10 port-a-lets, 2 dumpsters and a bunch of tables by the Conservation area that should be stacked and covered so that they don't rot away. He stated that the Parks & Recreation employees are just sitting in the garage; they could be mulching leaves or cutting firewood. Mr. Bacon stated that there are still no emblems on the trucks and wondered why they need all of those trucks when there are only two employees. There are parts of the Park that need the grass cut now. He stated that there are two full time employees but the park is not open, neither is Pendery Park. Mr. Bacon stated that Kenton County has 5-6 parks and only

three full time employees. Kim Serra stated that she talked to Kenton County and was told that they have five full time employees. Mr. Bacon stated that Kenton County contracts for grass cutting services which he has recommended that Campbell County do. He then asked why he can't ride his horse by the campground when nobody is camping. He stated that a statute says that he should be able to ride there and the County's ordinance may not be correct. Ms. Serra stated that the Parks and Recreation Director was working in his office over the weekend and unlocked the main gate due to the nice weather. She stated that the current ordinance prohibits riding horses on roads in the park. The Fiscal Court would have to change the ordinance. Commissioner Coleman stated that that is probably a good idea when people are camping, but after November they could ride horses in the campground. Ms. Serra stated that she is getting input from the Horse Network about riding and she is working with the Parks and Recreation Director about having the parks open in the winter. She is also working in a winter work plan with the Parks employees, and plans to give a report to the Fiscal Court. She recounted her conversation with Kenton County from over a week ago. Their police open and close the gates to the parks during winter, but no amenities i.e. restrooms, are open. She does believe that Campbell County has more acres of park land than Kenton County. Commissioner Painter thanked Mr. Bacon for his comments and stated that they are looking into the things that he brought up. Mr. Bacon suggested that the park employees account for their time in writing. Commissioner Lampe stated that one issue with riding horses on the road is cleaning up after the animals. Mr. Bacon stated that he has been kicking it off the road. Tim Nolan stated that in 1977 he rode horses in A J Jolly Park and there was an ordinance prohibiting it. He researched the issue back to the early 1800's and horses can go anywhere a car can and in fact have preference on any road way. He thought that there was an ordinance that horses could go anywhere that cars could. He suggested that they research the constitutionality of the County's ordinance.

Kevin Gordon, Wilder, Kentucky, stated that a resolution was passed at the last meeting to discuss what to do about Sanitation District No. 1 (SD1) and to do some more research on the issue. He asked if there will be a report on that at this meeting. Commissioner Painter stated that there was no formal report at this time but Steve Franzen is working on it; there are lot of issues to consider.

Kevin Gordon stated that there have been many discussions regarding Kenton County trying to acquire Chase Law School. The Fiscal Court's position is that it doesn't need to be discussed yet. It was revealed at a Chamber of Commerce meeting last week that they are requesting $10 million from the State to renovate the County Administration Building in Covington for the purpose of obtaining Chase Law School. Commissioner Painter, who was at the meeting, stated that they did not say that it was for that specific purpose, education was one purpose on the list. He stated that there have been discussions about Chase. At the last meeting Judge Pendery stated that we were not at the point that we needed to take a position. He stated that Campbell County is well represented in the Senate and House who will hear the wishes of the citizens and Fiscal Court. Mr. Gordon asked if the Fiscal Court would be interested in floating a resolution opposing any move of Chase Law School to Kenton County. Commissioner Painter stated that Judge Pendery previously addressed that. However, due to the recent request on the Chamber of Commerce's legislative agenda for funds for the Roebling Point building, the situation may be different. Mr. Gordon stated that any of the Commissioners could propose a resolution.

Commissioner Coleman stated that he has spearheaded a bipartisan committee opposing the move. He has also brought the subject up at every Fiscal Court meeting for the last 5-6 months, and has produced two documents about the move. He stated that the document from the Chamber meeting says professional level education programs. The other document that he has mentions Chase Law School and also mentions other educational programs. If this goes through we may not only lose Chase Law School, but other programs. Other than a few people, nobody has asked to see these documents. Mr. Gordon stated that he hopes that somebody is doing a cost benefit analysis on jobs lost vs. jobs coming back, he understands that law professors make more than other professors. Matt Elberfeld stated that the County's payroll tax is capped at about $38,000. Once you've crossed that $38,000 threshold it doesn't have the impact on the County's budget as it would otherwise. Discussion then led to employment of professors and number of enrollments at Northern Kentucky University. Commissioner Painter stated that NKU President Geoff Mearns is very aggressive about getting fair funding for the university from the State, and he trusts the Board of Regents to make the right decisions for the school. Commissioner Lampe stated that he has met with President Mearns and has a meeting scheduled with the Chairman of the Board of Trustees. They don't know if they're going to move; there are a lot of considerations to be made about a possible move. Mr. Gordon stated that Kenton County Fiscal Court is actively pursuing an asset from Campbell County. He again stated that there should be a resolution from the Fiscal Court opposing the move.

Dan Hull stated that he would hate to see the college go, but it might be better if Kenton County just annexed Campbell County and do away with the whole county. He would like the Fiscal Court to look into the left turn lanes at certain locations. The left turn signals should be made longer or have two lanes turning left especially at the middle school, Crossroads and the AA Highway. Mr. Elberfeld stated that the Kentucky Transportation Cabinet (KYTC) handles the traffic control devices and timing of lights. He and others meet with KYTC quarterly; the next time will be in the middle of January. He will give them the locations that Mr. Hull talked about. He stated that reconfiguring the I-275 intersection with AA Highway is on KYTC's six year plan and is high on the Fiscal Court's list of projects to be funded by the State.

Linda Nesbitt, Ft. Thomas, stated that she does not want Chase Law School go to Kenton County. A lot is said about regionalism and how it benefits all, but she sees that regionalism benefits mostly Kenton County. She stated that Kenton County has crossed the line in their desire to acquire one of our great assets. She appreciates that they are meeting with President Mearns and the Board of Regents, but she'd like to see more fighting spirit and fighting for Campbell County and its assets. She asked that they take that into consideration.

Jim Luersen, Campbell County Clerk stated that he submitted his budget to Matt Elberfeld a couple of weeks ago. The proposed budget is the lowest since 2013 and the salaries are the lowest since 2012. He tries to cut as much as he can but his office's biggest expense is insurance. He stated that nothing was spent on capital expenses last year so they decreased that budget to $20,000 and he does not anticipate spending any of it in the coming year. He has also decreased the general operating expenses. Mr. Luersen stated that he tries to save money and still pay a fair wage. He answered questions from the Fiscal Court and audience regarding health insurance costs and employee retirements and new hires. Mr. Luersen stated that they had a historically large turnout of 30% at the last election in November. For the first time in many

decades, the Republican Party is having its own caucus on the first Saturday of March to nominate a presidential candidate for the Republican Party. The Clerk's office is not involved, it is strictly run by the Republican Party. Mr. Luersen advised that the Fiscal Court covers the election expenses. Mr. Elberfeld stated that statutorily the Fiscal Court is responsible for paying election costs – the Clerk just runs the election. The annual budget for elections is about $300,000.

There being no old business, Paula Spicer presented new business with a first reading of Ordinance O-14-15 by title and summary. O-14-15 discontinues a portion of East Nagel Road on the south side of Old KY 154 – Peach Grove Road, west of State Route 154 and east of US 27 in unincorporated Campbell County pursuant to KRS 178.070 and authorizing the necessary legal action to effectuate such closure. No vote was required on the first reading of this ordinance.

Resolution R-151-15 was read by title and summary given. R-151-15 approves the submission of a FY 2016 Flex Funds Application to the Kentucky Transportation Cabinet, Rural Secondary Road Program to utilize $118,457 in Flex Funds to resurface CR 1033 (Eight Mile Road). The estimated cost to resurface the road is $122,000. Commissioner Coleman made a motion to adopt R-151-15, seconded by Commissioner Lampe. All voted "AYE" and the motion passed. Commissioner Coleman asked if the entire road is being resurfaced. Mr. Elberfeld advised that currently the Water District is replacing a water main in that area. The County's resurfacing project will begin at Four Mile Road and end at KY 8.

Commissioner Painter stated that there were no personnel items on the agenda due to the absence of Judge Pendery; he is the only one authorized to make personnel motions.

Matt Elberfeld requested a motion to accept the bid of Lonkard Construction in the amount of $123,480 for culvert replacement on Upper Tug Fork Road. Cardinal Engineering reviewed the bids and recommends accepting the low bid of Lonkard Construction for this project. Luke Mantle, County Road Supervisor, concurs with this recommendation. The project will be paid entirely with emergency funds from the Kentucky Transportation Cabinet and 50-50 cost share for culvert replacement funds from the Sanitation District No.1. The bids came in under the estimated cost. Motion was made by Commissioner Coleman, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Steve Franzen advised that the Ethics Commission met today and they are working hard to update the County's ethics ordinance. He anticipates having something soon, possibly at the next Fiscal Court meeting.

Mr. Franzen stated that he has been trying to educate himself on the Sanitation District No. 1 agreements. He may have a report at the next meeting. The agreements involve Campbell County and every city in Campbell, Kenton and Boone Counties and the other counties and have been in effect since at least 2003. Any changes will not be as simple as passing a resolution to alter the boundaries that are the subject of recent discussions.

Commissioner Coleman asked about the County logos on the trucks. Ms. Serra advised that only two trucks leave the park and the others mostly stay within the park; they have official license plates. They do intend to add the County emblems to the other vehicles. Commissioner Coleman stated that it was suggested to him that campers may be concerned about unmarked County vehicles driving around the campground and possibly casing the place. Ms. Serra stated that the park ranger uses an old police vehicle which has been beneficial to leave unmarked.

Commissioner Lampe wished everybody a Merry Christmas and safe and healthy holiday.

Commissioner Painter stated that efforts are being made to get state funding for water lines to subdistrict J in the southern part of the County to bring water to 193 homes. The Water District is working on this with the County and they will meet with the legislative caucus soon.

Commissioner Painter stated that he feels somewhat qualified to work on the storm water surcharge issue having worked on similar issues in other states and having worked in the environmental field for a good portion of his career. He will work with the County Attorney to clarify the issues and define the options so that we can make the best decision for our citizens.

Commissioner Painter announced that the annual Christmas Tree Recycling program will take place from December 28, 2015 through January 8, 2016. He named the participating cities and drop off locations in the County. The trees will be chipped and used as landscaping at Northern Kentucky University.

Matt Elberfeld advised that Marie Shenkel, Finance Director, was attending a HUD accounting update so he presented her agenda items.

A motion was requested to accept the bid of Lonkard Construction in the amount of $139,518 for bridge replacement on Ten Mile Road. Cardinal Engineering who did the design and bidding, reviewed the bids and recommends accepting the low bid of Lonkard Construction for this project. Luke Mantle, County Road Supervisor, concurs with this recommendation. This project is financed through the State's 80-20 bridge program so the State will pay for 80 percent of the cost. The bids for this project also came in under the estimated cost of $155,000. Motion was made by Commissioner Lampe, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

Resolution R-152-15 was read by title and summary given. R-152-15 authorizes the Judge/Executive to execute an agreement with LexisNexis VitalChek Network to provide credit/debit card services for the Planning and Zoning and Building Inspection Department. This will enable the Department to accept credit/debit card payments for building inspections, or any other planning and zoning fees. Previously all fees had to be paid by check or cash. It is more tax-payer friendly to be able to accept credit cards. Commissioner Coleman made a motion to adopt R-152-15, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

R-153-15 was read by title and summary given. R-153-15 approves fees for A J Jolly Golf Course for the year 2016. The rates include daily fees, season passes, cart fees and hall rental fees. Staff recommends no changes to the current rates. Mr. Elberfeld stated that the golf course

is at the higher end of the market and play at the course picked up a lot this year. They are concerned that an increase in fees would lead to a decrease in rounds and less revenue for the upcoming golf season. Commissioner Lampe added that the 2015 revenue increased approximately $27,000 in greens fees, $6,500 in equipment rentals, and concessions increased by $12,000 despite the bad spring weather. Commissioner Coleman asked for a calculation of the cost to play 18 holes on a weekday. Mr. Elberfeld calculated the cost per golfer and the senior rate plus $15 for cart rental. He stated that A J Jolly Golf Course is a little higher than other courses in Campbell County but he believes that it offers a different level of product. He did not know the cost for play at the other courses, but can find out. Commissioner Lampe made a motion to adopt R-153-15, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

A motion was requested to approve budget transfers as presented for December 16, 2015. Mr. Elberfeld pointed out that this action simply moves funds from one line item to another; there is no increase in the budget. The Fiscal Court continues to live within it budget. Motion was made by Commissioner Painter, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims and supplemental claims as presented for December 16, 2015. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Commissioner Coleman asked what "Court Filing Fees" are. Mr. Elberfeld explained that it is a fee assessed on any transaction or paperwork filed with the Circuit or District Court. The funds can only be used for maintaining and improving the Justice Center. The funds are used to help pay the jail transport officer who transports prisoners to the Justice Center and the internet connection between the jail and the Justice Center for video arraignments. Mr. Elberfeld stated that there is about $1 million in that account and staff budgets what it expects to take in each year. A reserve is built into that account in the event that someday the Fiscal Court owns the building. He explained that the Administrative Office of the Courts (AOC) leases the Justice Center from the Courthouse Commission. In most counties the Fiscal Court owns the Justice Center and receives rent from AOC. In this case the rent is paid to the Courthouse Commission because they own the building. Mr. Franzen stated that the Courthouse Commission, a paid board, says that it uses the money to do whatever the Judges think is necessary to make the building comfortable for the judges and the public, i.e. remodeling. Mr. Elberfeld explained that the recent building addition was funded by bonds issued by the Courthouse Commission secured by a long-term lease with AOC. The Fiscal Court also pays for some courthouse security costs with the Court Filing Fees. Motion was made by Commissioner Lampe, seconded by Commissioner Coleman. 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 Coleman All voted "AYE" and the meeting adjourned at 6:50 p.m.

Attachments:
Ordinance O-14-15 Discontinuance of East Nagel Road
Resolution R-151-15 Application for Use of Flex Funds

Resolution R-152-15 Contract with NexisLexis for Credit/Debit Card Services
Resolution R-153-15 Set Rates for A J Jolly Golf Course for 2016
Budget Transfers December 16, 2015
Claims and Supplemental Claims December 16, 2015

Approved:

STEVE PENDERY
Judge/Executive

Attest:
Paula K. Spicer, Fiscal Court Clerk