CAMPBELL COUNTY FISCAL COURT
MINUTES

SEPTEMBER 7, 2016

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, September 7, 2016, 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
Kim Serra	Assistant County Administrator
Paula Spicer	Fiscal Court Clerk
Colonel Craig Sorrell	Campbell County Police Department
Frank Spataro	Human Resources Director
Seth Cutter	Economic Development Officer

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 Mayors' meeting of July 26, 2016 and the Fiscal Court regular meeting of August 17, 2016 were presented. Motion was made by Commissioner Painter, seconded by Commissioner Lampe to approve the minutes. Commissioner Coleman stated that he has an addition to the minutes. At the August 17 meeting he presented a document during the ordinance change discussion and it is not reflected in the minutes and he would like it to be in the minutes. Mr. Franzen advised that if Commissioner Coleman wants to amend the minutes, he should present what he is amending by motion and it would have to be seconded and voted on. It was pointed out that there is a motion and second to approve the minutes from both the July 26 and August 17, 2016 meetings. Commissioner Coleman stated that he wanted to make an addition and amend the Fiscal Court meeting minutes. During the discussion of the zoning ordinance change he presented a document about the complaint that was filed against a citizen of Camp Springs and he presented a document that supports the position of the people from Camp Springs who made the complaint. He thinks that it is important that it be reflected in the minutes. Mr. Franzen stated they could amend the existing motion, or after it passes Commissioner Coleman could present the motion to amend the minutes. Judge Pendery asked if it was alright to amend

the existing motion. Commissioner Painter stated that he would allow his motion to be amended. Judge Pendery stated that there is a motion and second as amended to add this document. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Jayne Eaton, resident of Keating Drive, first thanked Judge Pendery and Commissioner Painter for the new street that was installed. Commissioner Painter stated that there was a lot of financial sacrifice by the citizens on Keating Drive to get this done; the Fiscal Court just aided citizens that wanted a better street. Ms. Eaton stated that the Keating Drive residents are hoping to be a part of the "test" for the 30-feet-back no parking signs. She then stated that a lot of people who don't live on their street park on their street particularly at the end by Ripple Creek. She asked if there was any way to prohibit the residents of Ripple Creek who did not pay anything toward the repairs of Keating Drive, from parking on Keating Drive. Ms. Eaton thanked Mr. Elberfeld for his attention and responses to her inquiries. She stated that the parked cars cause a problem with turning on and off of Keating Drive. Jack Hagedorn, 1090 Keating Drive, also thanked the Fiscal Court for its help on getting the new street. He concerns about parking on Keating Drive at its intersection with Ripple Creek are the ability of emergency vehicles to turn onto the street and difficulty seeing other cars when turning right onto Keating Drive from northbound Ripple Creek. Mr. Elberfeld explained that after the three-way stop was approved, residents suggested that it would be helpful for traffic flow if parking was prohibited within 30 feet of the stop signs on all three sides. The residents are willing to be a test area to see how it works with the no parking signs. Mr. Elberfeld explained the provisions of the County's ordinances and Kentucky Revised Statutes regarding placement of no parking signs. He stated that currently the Fiscal Court has no mechanism to address the question of whether parking could be restricted to only residents of Keating Drive. Some densely populated urban areas do create parking districts for residents. He stated that this is currently not an option, but the Fiscal Court could create parking areas if it chooses to. Because Keating was adopted for public maintenance, the County has to allow public access. Mr. Elberfeld advised that residents should call the non-emergency phone at dispatch (292-3622) regarding parking violations. He stated that the signs will be ordered tomorrow morning.

Dan Hull, 9538 Barrs Branch Road, stated that there are sections of Covington, in the MainStrasse area, that have parking limited to permit-holders. He stated that he has complained quite a few times about the meeting minutes and the fact that the people can only get the minutes after they are approved. He believes that the minutes should be published as a draft so that corrections can be made. He wants to ask the Fiscal Court to make some changes in its policy but also ask the public at large and Commissioner Coleman especially to join him in looking into the possibility of filing a lawsuit against the County on the sunshine or open records act. Mr. Hull then addressed the new policy on public comments. There are things that come up during the meeting and if this means that people are never going to get recognized, he is against it. There should be a mechanism for the public to be recognized at reasonable times during the meeting. He stated that he does want to see a better record of what happens in the minutes. Commissioner Coleman stated that he has talked to Mr. Hull about this before and he is in agreement with him. He does think that the minutes should be in a draft form so that the public gets to see the minutes before they're approved and they become a record. Mr. Hull stated that it could be and it might well be in violation of State law not to do that. Mr. Franzen stated that it is

not a violation of State law. Drafts are not public records, there are preliminary drafts. The only thing that is a public record is the final record. The minutes can be amended any time – at the next meeting, a month or six months later. Mr. Hull stated it is not done. He gave an example of where his own words were misinterpreted and it's never been corrected. Mr. Franzen stated that he can bring it to the Fiscal Court's attention and the Fiscal Court can vote to amend the minutes if they believe that his version is accurate and the passed version is inaccurate. Mr. Hull stated that while he respects Mr. Franzen's decision it is not an Attorney General's position and even that isn't a final word.

Judge Pendery stated that representatives of two Special Purpose Governmental Entities (SPGE) are in attendance to comply with State law requiring SPGE's to present their tax rate.

Bernie Henke, Chairman of Southern Campbell Fire District, advised that they are keeping the tax base at $1.80 per $1,000 and $2.00 for tangible tax which is the same as last year. The budget has been presented and the District is asking that the Fiscal Court agree to the money that they need. Commissioner Coleman thanked Mr. Henke for keeping the rate the same on behalf of the taxpayers. Judge Pendery stated that this doesn't require Fiscal Court approval. It is for informational purposes under the law that each taxing district needs to present its tax rate to the Fiscal Court for this year.

Clarence Martin, Chairman of Central Campbell County Fire District, advised that the District's budget is $2.65 million dollars and that they have increased their staff to 20 paid firefighters. He expects that they will have approximately 2,500 runs this year. Ninety percent are EMS support runs. They deal with a lot of overdoses and provide support to Alexandria and Fire District One. Mr. Martin stated that they have not approved their tax rate – they have a meeting next Thursday. It will probably go from $1.63 to $1.65 or $1.66. He stated that they will approve the rate Thursday night and forward it to Mr. Luersen.

Paula Spicer presented old business with a second reading of Ordinance O-11-16 by title. O-11-16 amends Chapter 90 of the Campbell County Code of Ordinances entitled "Animals" to allow the Campbell County Animal Shelter to participate in a Community Cat Diversion Program and other miscellaneous revisions. Judge Pendery pointed out that all 8 Northern Kentucky ADD Counties are passing a similar ordinance. There is an organization that is distributing about $500,000 in Northern Kentucky with about $114,000 of that coming to Campbell County. The purpose is to decrease the shelter's cat population. Research shows that this program has been successful. Commissioner Lampe made a motion to adopt O-11-16, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

New business was presented with a motion to proclaim September 2016 as "National Preparedness Month" in Campbell County. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-86-16 was read by title and summary given. R-86-16 authorizes the Judge/Executive to execute an Affiliation Agreement with the Northern Kentucky Regional Hazmat/WMD Unit Inc. for hazardous materials response services. The agreement is for a term a one year at a cost of $0.13 per capita or approximately $11,743.68 per year. Commissioner Lampe made a motion to adopt R-86-16, seconded by Judge Pendery. Judge Pendery stated that

the County has been part of this group for years. Some questions were raised about the paperwork and workers' compensation claims in the last few years, and the annual affiliation agreement will help to avoid liability questions that might arise. Commissioner Coleman asked if there was a hazmat spill on US 27 in Alexandria, is the Alexandria Fire Department not equipped to handle it. Clarence Martin stated that there is a hazmat group active in Campbell County that coordinates with Cincinnati, Boone and Kenton County. Mr. Elberfeld stated that the Northern Kentucky Hazmat team has been around for a long time –it is probably the group that Mr. Martin is referring to. The team is made up of firefighters from other departments throughout the counties and if there is an emergency they can be called in. It is the least expensive way to have hazmat responses available in Campbell County. All voted "AYE" and the motion passed.

Resolution R-88-16 was read by title and summary given. R-88-16 amends the Operations Manual used at the Campbell County Animal Shelter to participate in a Community Cat Diversion Program and institute other best practices. Judge Pendery made a motion to adopt R-88-16, seconded by Commissioner Lampe. Kim Serra explained that in July the Target Zero staff toured the Campbell County Animal Shelter, met with the staff, made an assessment and then recommendations for best practices that go beyond the community cat diversion program. Staff recommends implementing the recommendations that are appropriate for Campbell County. Commissioner Coleman stated that when he was campaigning he was asked by many residents about euthanasia at the shelter. He stated that the Target Zero program will virtually eliminate euthanasia with cats, but not dogs. Ms. Serra introduced Lisa Krummen, Assistant Director at the Campbell County Animal Shelter, Becky Reiter from the Boone County Animal Shelter and a representative from OAR Devon Smith who were present. Ms. Krummen explained the Animal Shelter's policy regarding euthanasia of dogs. The purpose of the Target Zero is to get as close as they can to 0% euthanasia. She stated that they do everything that they can to not resort to euthanasia. Ms. Krummen explained the purpose of a 5-day holding period in the policy. She stated that they have started using a foster program for some animals. Rescue groups take a lot of dogs that are eligible for fostering. Commissioner Coleman asked how many dogs have been euthanized in the last eight months. Ms. Krummen did not know, but will get an answer to him. Ms. Reiter explained how the programs have been working in Boone County. Judge Pendery stated that there are monthly reports from the Shelter that can be provided to Commissioner Coleman. All voted "AYE" and the motion passed.

Ordinance O-12-16 was read by title and summary given for a first reading. O-12-16 authorizes the Judge/Executive to make amendments to the Local Participation Agreement for the City Center Development Area within the City of Newport, Kentucky. Judge Pendery stated that the subject TIF (Tax Incremental Financing) has not been activated yet and the Fiscal Court was requested to extend the effective dates. No vote was taken on the first reading of this ordinance.

A motion was requested to advance Police Officer Kyle Gray from Grade 4 ($21.63 per hour or $44,990 annually) to Grade 5 ($23.14 per hour or $48,139 annually) effective September 4, 2016 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Police Officer Douglas Malizewski from Grade 6 ($24.76 per hour or $51,509 annually) to Grade 7 ($26.50 per hour or $55,115 annually) effective

September 28, 2016 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Police Officer Alex Turner from Grade 6 ($24.76 per hour or $51,509 annually) to Grade 7 ($26.50 per hour or $55,115 annually) effective September 20, 2016 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Matt Elberfeld presented Resolution R-87-16 by title and summary. R-87-16 authorizes the Judge/Executive to erect No Parking signs in designated areas on Keating Drive and on Ripple Creek Road. This issue was discussed earlier in the meeting. Judge Pendery made a motion to adopt R-87-16, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Steve Franzen stated that he went bike riding in A J Jolly Park on Sunday and was pleased with how nice and beautiful the park was and how many people were at the park. He stated that his wife commented on the cleanliness of the restrooms.

Commissioner Coleman stated that the County did finish the Fiscal Year with a surplus. Mr. Elberfeld agreed, stating that the amount was $431,000.

Commissioner Coleman asked Jim Daley, Jailer, if the membership in the Bob White Club was working out – are the deputies using the Bob White Club firing range. Mr. Daley replied that due to the jail expansion, the deputies have not had time to go out to qualify, but they will go out soon.

Commissioner Coleman stated that at the last meeting they approved giving $10,500 to the Campbell County School System and were told that it was time sensitive. He talked to the Superintendent the following day to ask him what was the urgency because he thought that they shouldn't have made a decision as quickly as they did. He was told that they needed to start the project while the weather was good so that they could have the indoor facility finished by next football season. Commissioner Coleman stated that he's not insinuating that it was misleading but he thought it had something to do with the funding from the Department of Education. He asked the status of the negotiations with the Department of Education. Mr. Franzen stated that the Fiscal Court is not negotiating with the Department of Education, it doesn't agree with the Department's ruling that the school can't pay for the right-of-way that only serves the school. Campbell County School, as well as other schools in the State do not agree with it. Nevertheless the Department of Education stands by its ruling. He stated that the Fiscal Court agreed to authorize a contract with the school to perform $10,000 in-kind or cash services, they believe it will be in-kind. The work is just being let for bids so they can't make a determination yet. Commissioner Coleman stated that it may not be zero, it's going to be $10,500? He was under the impression that the Fiscal Court was still negotiating with the Department of Education. Mr. Franzen stated that he's never had discussions with the Department of Education, it was between the school and the Department of Education. Judge Pendery stated that he talked to Hal Heiner, Secretary of the Cabinet containing the Department of Education and the Commissioner of Education and told them that the County Attorney's office provided documentation that

conclusively shows that they are wrong and they need to fix their policy. Campbell County is not the only school district that has run into this problem. Judge Pendery stated that it will be revisited and they will try to get the money back. Mr. Franzen stated that he hopes that there are enough schools pointing out the fallacy of the argument and that the Department will reconsider.

Commissioner Coleman stated that at the last meeting they talked about the Department of Agriculture, at the request of the Northern Kentucky Health Department sprayed for mosquitos because a person had the Zika virus. He stated that most people have seen in the media recently the harmful effect that the spray has on the bee population. In South Carolina they sprayed something different than Duet. He has articles showing that Duet is harmful to the bee population. Judge Pendery stated that in Kentucky they are driving vehicles on dedicated public roads, not on private property, putting out a fog that kills the mosquitos pretty much on contact but degrades in about an hour or two and is thereafter harmless. Because it is aimed at mosquitoes they spray in the evenings because that is when mosquitoes are active – honey bees are not out. He stated that in South Carolina the county did an aerial spraying in the morning when honey bees and other beneficial insects are active which is not normal protocol. Hopefully the people sprayimg in Kentucky are doing it the right way. He stated that on the other hand, pregnant women are hoping that the authorities are walling off the mosquitoes that might spread the Zika virus which can have catastrophic effects on a fetus. Commissioner Coleman stated that the problem was that people were not notified; they should be notified before spraying occurs.

Commissioner Coleman stated that he heard on the radio that the County Judge Executive of Campbell County sent a letter to employees advising that they're not getting a cost of living raise – he was disappointed that he heard it on the radio and not from Judge Pendery. Judge Pendery stated that the letter was issued in the morning or the day after the Fiscal Court meeting. It was an informational piece to the employees to let them know that the Fiscal Court the night before had approved a budget that did not include raises and an explanation. It was explained in a way that would be understandable and acceptable to the rank and file employees.

Commissioner Coleman stated that he was given a new protocol about five minutes before 7:00 and asked who decided to do this. Judge Pendery stated that he did. Commissioner Coleman stated that it is pretty restrictive and he does not like it. He quoted one section of the policy regarding limiting the number of speakers allowed to speak. Judge Pendery suggested that they see how the policy works in practice. He stated that he's been running meetings for 34 years and has let everybody speak. He stated that he didn't run the last meeting very well and shouldn't have let people talk in the back of the room, wave their hands and interrupt Commissioners. The public needs to come forward, give their name and address and speak into the microphone so everybody can hear. Commissioner Coleman asked if he'd consider waiving the two-minute limit because the first two speakers tonight talked longer than two minutes. He stated that to limit somebody to two minutes is an infringement on their first amendment rights. Judge Pendery stated that people need to know that the purpose of communicating to the Fiscal Court is to get information before the Court based on the agenda that is published in advance. He does not think that the meeting should be devoted almost entirely to opinions of people who happen to show up at the meeting. Commissioner Coleman disagreed and thinks that everybody has a right to participate in the meeting and not be limited to two minutes. He asked the other Commissioners if they knew about this policy before the meeting. Commissioner Lampe stated that he had not seen the document, but had discussed with staff the disruptive nature of the last

meeting and knew that staff was considering making some changes. Judge Pendery stated that he asked that staff research policies of others. He further stated that state and federal legislative bodies don't allow the public to talk; it is very restrictive. The same is true with most local governments. Commissioner Painter stated that he heard that something was being prepared. He stated that when somebody cat-calls your name from the audience and you're a Commissioner that runs at large in a county of 90,000 people, the people who voted for you were getting stepped on. Commissioner Coleman disagreed. Commissioner Painter stated that that is obvious since it was his henchmen in the audience that were making the distraction. Commissioner Coleman stated that this policy is very restrictive especially the two-minute limit. He was going to say something to Gina before because she has been calling and emailing him her concerns about the bee population thing. He should be able to call on her – does this restrict him from calling on her or somebody else to get their opinion.

Commissioner Lampe stated that last Wednesday, he, Judge Pendery, Commissioner Painter and Matt Elberfeld attended the City of Newport's State of the City update. He congratulated Tom Fromme and his staff on the presentation. Mr. Fromme went into great detail about the positive residential and commercial development in Newport currently and what's being planned. It has a positive effect on not only the City, but the County and the community in general. Mr. Elberfeld stated that Mr. Fromme, Mayor Peluso and Larissa Sims have been invited to the next Fiscal Court meeting to give an update to the Fiscal Court and people who were not able to attend the NBA luncheon.

Commissioner Painter stated that the Alexandria Fair had an entire weekend of great weather. There were many crafts and agricultural products in the new display hall. The horse classes seemed full. He heard that there were about 13,000 people in attendance. He thanked everyone involved especially the Fair Board. He thanked Jim Daley, Jailer, for providing inmates to help with clean up.

Judge Pendery announced that the 49th Annual Campbell County Senior Citizens' Picnic will be held on Thursday, September 22, 2016 from 11:00am to 4:00pm at Pendery Park. This year's theme is "America the Beautiful".

Judge Pendery then listed upcoming events and programs at the County parks and other facilities including the Dragon Boat Races, fundraiser at the Animal Shelter, NKY Horse Network Camp and Ride, Campbell County Cross Country Championship, Senior Picnic, Indiana Outboard Association Mini Boat races, Catholic Cross Country Championship, cancer walk, County Clean-Up, Halloween Spooktacular, St. Mary's 5K Run and Bethlehem Nights. Many of these events are collaborative efforts of the CDC and the Parks and Recreation staff.

Matt Elberfeld requested a motion to accept the following bids for fall 2017 road resurfacing projects:

Bidder	Road	Amount
Barrett Paving	Craft Road – Location 1	$51,675.00
Mago Construction	Craft Road – Location 2	$13,080.00
Paul Michels & Sons	Autumn Lane	$9,966.00
Paul Michels & Sons	Harvest Trail	$8,037.50

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

Mr. Elberfeld then requested a motion to approve the claims and supplemental claims as presented for September 7, 2016. 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. Commissioner Coleman stated that he has several questions but will talk with Mr. Elberfeld later. However, he did ask if the $42,000 claim was for the car that went off of the bridge. Mr. Elberfeld asked if he meant for Boone County Water Rescue? He explained that the Fiscal Court annually contributes between $40,000 and $44,000 to the Boone County Water Rescue team; all three Counties contribute. The team responded to the accident on the bridge, but this is for the annual contribution to be part of the team. The work was covered by last year's contribution. He stated that with all three counties having river frontage it makes sense to have one team. Commissioner Coleman stated that he was asked who was paying for the response when it happened and forgot to ask. He guessed that the answer is the taxpayers – he wondered if the person's car insurance would pay for it. Mr. Elberfeld stated that he can follow up on that as he believes that Boone County is conversing with the insurance company. He is not sure if all three counties pay the same or if it is based on population; he will let him know. Commissioner Coleman asked if there were any claims for storm water. Mr. Franzen stated that there is one for Lakeview Drive, but it is for sanitary sewer. There are some for storm water, but not at the park. 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 8:15 p.m.

Attachments:

Ordinance O-11-16	Amend Animal Regulations
Resolution R-86-16	Affiliation Agreement with NKY Regional Hazmat/WMD Unit
Resolution R-87-16	Authorize Installation of No Parking Signs on Keating Drive
Resolution R-88-16	Amend Animal Shelter Operations Manual
Claims and Supplemental Claims	September 7, 2016

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk