

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

October 3, 2012

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, October 3, 2012, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN

Steve Franzen	County Attorney
Robert Horine	County Administrator
Melissa Williams	Director of Administration
Diane Bertke	County Treasurer
Paula Spicer	Fiscal Court Clerk
Keith Hill	Campbell County Police Chief
Jack Snodgrass	County Clerk

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting.

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes from the Fiscal Court regular meeting of September 20, 2012 and the Mayors' Meeting of August 28, 2012 were presented. Motion was made by Commissioner Rechlin, seconded by Commissioner Painter to approve the minutes with one change. Commissioner Rechlin pointed out that he attended the Mayors' Meeting but his name was not listed. The minutes will be corrected to reflect his attendance at that meeting. All voted "AYE" and the motion passed.

Judge Pendery introduced Officer William "Bill" Bertke who retired from the Campbell County Police Department on October 1, 2012 after 20 years of services. Judge Pendery listed the various awards and achievements that Officer Bertke received during his career with the Department and presented him with a watch in recognition of his service. Officer Bertke commented on his years with the Department and introduced his daughter and mother who were in attendance.

Judge Pendery invited comments from the audience.

Brandon Voelker, Attorney at Law, stated that he is present at the request of his clients Charles Coleman, Garth Kunhein and Erik Hermes who are plaintiffs in a case involving the imposition of taxes by the Campbell County and Kenton County Library Boards. He provided copies of a refund claim prepared on behalf of his clients in Campbell County, which was previously emailed to the Fiscal Court members. Mr. Voelker filed a lawsuit to determine whether House Bill 44 or KRS 173.790 applies to the library's tax rate. He stated that the library has filed actions to delay a decision in the case. Mr. Voelker requested that the County take leadership on this issue because the Library Board won't. In addition he believes that the new tax bills reflect an unlawful rate for the library tax. Judge Pendery asked that because of the complexity of the documents sent to them, that they be given time to review it and meet with Mr. Voelker at another time. Mr. Voelker stated that J C Morgan from the Library has been attending and speaking at meetings around the County and he (Mr. Voelker) would like to present his clients' position. He cited some additional information that was not included in his prior email and about how the library and its tax were established. Judge Pendery stated that the Fiscal Court members will review the materials submitted and meet with him at another time. Steve Franzen stated that he will review all of the documents submitted by Mr. Voelker and make a recommendation to the Fiscal Court. Jack Snodgrass pointed out that he does not issue the tax bills, his office prints the tax bills, and stated that he should not be included in this issue.

Melissa Williams presented old business with a second reading of Ordinance O-11-12 by title and summary. O-11-12 enacts and adopts the 2012 S-25 Supplement to the Code of Ordinances of the County of Campbell, Kentucky (January 1, 2012 through June 30, 2012). Commissioner Rechlin made a motion to adopt O-11-12, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Ms. Williams then presented new business with a first reading of Ordinance O-12-12 by title and summary. O-12-12 authorizes the issuance of Industrial Building Revenue Refunding and Improvement Bonds, Series 2012 (Brighton Properties, Inc. Project) of the County of Campbell, Kentucky, in an aggregate principal amount not to exceed \$2,260,000, the proceeds of which shall be loaned to Brighton Properties, Inc. to: (I) refund outstanding obligations which in turn were issued to finance and refinance the acquisition, construction, installation and equipping of facilities; and (II) finance the acquisition of real property, all of the foregoing being suitable for use as health care and related facilities and as facilities in furtherance of the educational purposes of Brighton Properties, Inc. and Brighton Center, Inc.; providing for the pledge of revenues for the payment of such bonds; authorizing a loan agreement appropriate for the protection and disposition of such revenues and to further secure such bonds; authorizing a bond purchase agreement, tax regulatory agreement, mortgage and assignments; and authorizing other actions in connection with the issuance of such bonds. Ian Koffler of Peck Shaffer, bond counsel, advised the Fiscal Court that the County has no obligation under this bond issue. Brighton Properties is taking this action to refinance a previous issue and to acquire real property. The property to be acquired is in another county however, Brighton Properties is headquartered in Campbell County; the property acquisition is only about five percent of the bond issue.

Resolution R-111-12 was read by title and summary given. R-111-12 authorizes the Campbell County Public Properties Corporation to consolidate two properties into one property located in the 600 block of Columbia Street that make up the block between Central Avenue and Columbia

Street, with Seventh Street on its south border and the Kentucky Juvenile Detention Center to the north in Newport, Kentucky; and authorizing the Judge/Executive as president of the Public Properties Corporation to execute the necessary documents related to said deed consolidation and transfer of the property to the Campbell County Fiscal Court. This resolution consolidates the jail and the former District Court sites into one deed. Both of these properties are in the name of the Public Properties Corporation because of a bond issue; the bonds have been paid and now the parcels can be consolidated and transferred into the name of the Fiscal Court. Commissioner Rechlin made a motion to adopt R-111-12, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-112-12 was read by title and summary given. R-112-12 updates the Transportation Director position description and position title and authorizes corresponding amendment to the Administrative Code. The Human Resources Director reviewed and updated the job description to better reflect the duties of the position. In addition, the job title has been changed to "Road Supervisor" to conform to Kentucky Revised Statutes. Judge Pendery made a motion to adopt R-112-12, seconded by Commissioner Rechlin. Commissioner Rechlin requested copies of the new job descriptions for Road Supervisor and Finance Director showing the changes. All voted "AYE" and the motion passed.

A motion was requested to advertise, interview and hire a Road Supervisor. The current Road Supervisor may retire and staff wants to begin the search for a replacement. If he does not retire, staff will not proceed with hiring a replacement. Motion was made by Judge Pendery, seconded by Commissioner Rechlin. All voted "AYE" and the motion passed.

Resolution R-110-12 was read by title and summary given. R-110-12 updates the Fiscal Director position description and authorizes corresponding amendments to the Administrative Code. Judge Pendery made a motion to adopt R-110-12, seconded by Commissioner Painter. Commissioner Painter asked if working on bonds and bond issues should be added to the list of essential functions and responsibilities in the job description. Robert Horine stated that they will add it to the job description. All voted "AYE" and the motion passed.

A motion was requested to advance Donald Dornheggen to Police Officer Grade II with salary adjustment from Grade 9A (\$17.4675/hour) to Grade 10A (\$18.3409/hour) effective October 6, 2012 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Rechlin. All voted "AYE" and the motion passed.

A motion was requested to appoint Kathryn Foulks to the position of part time Kennel Technician with the Campbell County Animal Shelter with compensation set at Grade 6E, \$10.72 per hour, effective October 4, 2012. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Kayla Greis to the position of part time Kennel Technician with the Campbell County Animal Shelter with compensation set at Grade 6E, \$10.72 per hour, effective October 9, 2012. Motion was made by Judge Pendery, seconded by Commissioner Rechlin. All voted "AYE" and the motion passed.

A motion was requested to appoint Paul T. Verst to the Kenton County Airport Board Advisory Committee with a term effective October 4, 2012 and expiring September 21, 2014. Motion was made by Judge Pendery, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed. Judge Pendery stated that Campbell County will be well represented by Mr. Verst. This Board is advisory only; the members do not get to vote.

Commissioner Rechtin recommended that everybody watch the presidential debate tonight.

Judge Pendery announced that the Kentucky State Auditor's Office and the Department of Revenue have advised the Sheriff's Office that the taxes cannot be collected until November 15, 2012, due to the special election on November 6 to fill the unexpired term of former Sheriff John Dunn. Due to the change in administration, audits must be performed before the collection can take place. The discount period will be extended.

Judge Pendery announced that the next Campbell County Mayor's meeting will be held on October 23, 2012 at 6:00 p.m. in the Fiscal Court Chambers of the County Administration Building.

Judge Pendery announced that the Campbell County Fall Cleanup will take place on November 2 through 4, 2012. There are three locations where items may be dropped off: the Campbell County Transportation Department, Campbell County Police Station and Pendery Park.

Judge Pendery announced that the Northern Kentucky Solid Waste Action Coalition will hold a Household Waste Collection Event on November 3, 2012 at the Florence Freedom in Florence, Kentucky. He listed the types of items that will be accepted. Participants must complete a registration form prior to the event and bring it with them.

Diane Bertke requested a motion to approve the claims and supplemental claims as presented for October 3, 2012. County Attorney Steve Franzen stated that he has reviewed the claims and that they all appear appropriate. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. Commissioner Rechtin complimented Ms. Bertke on the successful Senior Citizen Picnic. Commissioner Rechtin recused himself from voting to approve any payments made to Senior Services of Northern Kentucky, his employer. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rechtin made a motion to adjourn, seconded by Commissioner Painter. All voted "AYE" and the meeting adjourned at 7:45 p.m.

Attachments:

Ordinance O-11-12 Adopt 2012 S-25 Supplement to the Code of Ordinances
Ordinance O-12-12 Brighton Properties Bond Refinancing Issue
Resolution R-111-12 Deed Consolidation of Detention Center Property
Resolution R-112-12 Amend Transportation Director Job Description
Resolution R-110-12 Amend Fiscal Director Job Description
Claims October 3, 2012

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk