

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

September 19, 2013

A special meeting of the Campbell County Fiscal Court was held on Thursday, September 19, 2013, 5:30 p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:30 p.m. regarding the application of Rebecca Herald for an Entertainment Permit for Boondock's Bar & Grill located at 796 W. Miller Road, Alexandria, Kentucky in unincorporated Campbell County, Kentucky. Present at the hearing were:

Steve Pendery, Judge Executive
Pete Garrett, County Commissioner
Brian Painter, County Commissioner
Kenneth Rechtin, County Commissioner
Steve Franzen, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
Matt Elberfeld, Director of Fiscal Affairs
Colonel Keith Hill, Chief of Police
Sarah Collins, Director of Housing
Luke Mantle, Road Department Supervisor

Judge Pendery opened the public hearing on the application of Rebecca Herald for an Entertainment Permit for Boondock's Bar & Grill located at 796 West Miller Road, Alexandria, Kentucky in unincorporated Campbell County. The application was originally considered at the July 10, 2013 Fiscal Court meeting at which time it was continued for a period of 60 days. The applicant Rebecca Herald was present. Judge Pendery asked for comments. Chief Hill stated that Ms. Herald is operating a nice business now. Based on the lack of comments and the approval of the Police Department, the Permit was granted. The public hearing was closed at 5:34 p.m.

In attendance at the special meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN

Robert Horine	County Administrator
Steve Franzen	County Attorney
Melissa Williams	Director of Administration
Matthew Elberfeld	Finance Director
Paula Spicer	Fiscal Court Clerk
Colonel Keith Hill	Chief of Police
Sarah Collins	Director of Housing
Luke Mantle	Road Department Supervisor

The meeting was called to order at 5:34 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 4, 2013 were presented. Motion was made by Commissioner Garrett, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Luke Mantle spoke about John Schweitzer who is retiring from the Campbell County Road Department after 20 years of service. He complimented Mr. Schweitzer on his work ethic and stated that his institutional knowledge can never be replaced. Judge Pendery presented a watch to Mr. Schweitzer and wished him well in his retirement. John Schweitzer thanked the Fiscal Court for the opportunity of employment and the benefits that he has received over the years.

Jim Parsons, Taft, Stettinius & Hollister LLP addressed the Fiscal Court about Tax Increment Financing (TIF). Mr. Parsons stated that Campbell County has two TIF's created in 2007 and 2008. A TIF is a regional incentive program providing development incentives for commercial, residential and other uses. Mr. Parsons explained the history of TIF's in Kentucky, eligible projects, impact on taxes and property, use of revenues, conditions and how TIF's are created by city or county governments. Mr. Parsons then highlighted how TIF's were used for various projects throughout Kentucky. He then answered questions from the Fiscal Court and the public.

Judge Pendery invited comments from the public.

Charles Coleman asked Judge Pendery if he'd like to comment on statements attributed to him in an article in Wednesday's newspaper, particularly regarding adult conversation and the library issue. Judge Pendery stated that when he talked about adult conversation he was talking mainly about the Sanitation District and other issues. Mr. Coleman stated that they did initiate adult conversation and after Judge Ward's ruling, made an offer to the Library Board which was turned down. Mr. Coleman stated that the plaintiffs in a lawsuit against the Library Board are not saying that libraries should not be funded, but question how they are funded. Judge Pendery stated that the point of his comment was that it is not a radical concept that we need public libraries and public transportation. Mr. Coleman stated that the taxpayers should determine the funding of the library.

Kevin Gordon stated that taxation without representation is a radical concept. Having a board to assess taxes without being accountable to the people or elected by the people is a radical concept. There should be more accountability when spending taxpayers' money. Judge Penderly stated he was talking about what is necessary for economic development. He was asserting that there is a list of 5 or 6 things that northern Kentucky needs to work on that are necessary for economic development including public libraries and public transportation. Mr. Gordon stated that the County needs a library and a library board to oversee it to make sure that they are not going crazy with taxpayer money.

Matt Elberfeld presented old business with a second reading of Ordinance O-10-13 by title and summary. O-10-13 authorizes the issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$9,105,000 (which amount may be decreased as necessary) to refund in advance of maturity a portion of the outstanding principal amount of County of Campbell, Kentucky General Obligation Public Project Bonds, Series 2006, the proceeds of which were used to permanently finance the acquisition, construction and installation of a detention facility and restricted custody center and the acquisition of real property; approving the form of bonds; authorizing the designated officers to execute and deliver the bonds; providing for the payment and security of the bonds; creating a bond payment fund; authorizing an escrow trust agreement; maintaining the heretofore created sinking fund; authorizing acceptance of the bid of the bond purchaser for the purchase of the bonds; and repealing inconsistent ordinances. Mr. Elberfeld explained that this is an advance refunding of bonds issued in 2006 for the jail expansion. Commissioner Rechtin made a motion to adopt O-10-13, seconded by Commissioner Garrett. Joe Lakofka, the County's financial advisor stated that this is existing debt and there will be no new debt added. He stated that there has been some positive movement on rates and they want to have the authority to issue the bonds when the time is right. Mr. Elberfeld pointed out that the County pays no fee or costs unless the bonds are refinanced. In that event, the costs are built into the refinancing. All voted "AYE" and the motion passed.

Melissa Williams presented new business with Resolution R-124-13 by title and summary. R-124-13 adopts and approves the execution of a Rural Secondary Program Agreement between the Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid, and accepting all roads and streets referred to therein as being a part of the County Road System. This agreement provides \$82,008.00 in Flex Funds for the paving of Dead Timber Road (CR 1102). The County is responsible for any costs exceeding \$82,008.00. Commissioner Rechtin made a motion to adopt R-124-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-123-13 was read by title and summary given. R-123-13 adopts amended utility allowances for the Department of Housing. The Department of Housing and Urban Development requires that Housing Authorities annually review utility allowances and amend them if the actual utility costs have increased or decreased by at least 10%. A review found that actual costs have decreased by 12%, and it is recommended that the utility allowances for the Housing Choice Voucher Program be decreased accordingly effective October 1, 2013. Commissioner Rechtin made a motion to adopt R-123-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-125-13 was read by title and summary given. R-125-13 authorizes the County Judge/Executive to execute a grant of a sanitary sewer easement to Jeffrey D. Farris and Claire Lynn Farris for the purpose of installing a sanitary sewer line under Lower Tug Fork Road, a County-maintained road. The Farris's are constructing a single family residence on Lower Tug Fork Road and own property on both sides of the road. They are requesting the easement to install a sanitary sewer easement under the road. Commissioner Painter made a motion to adopt R-125-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-126-13 was read by title and summary given. R-126-13 authorizes the Judge/Executive to execute professional services agreements with Cardinal Engineering Corporation in the total amount of \$18,740.00 for design of bridge repair/replacement on Fisher Road and Plum Creek Road. Commissioner Garrett made a motion to adopt R-126-13, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Dustin Wade to the position of full time Road Maintenance Specialist I with the Campbell County Road Department effective September 30, 2013 with compensation set at \$20.82 per hour (\$43,305.60 annually with total benefit costs of \$16,934.98) according to the working agreement with AFSCME. Mr. Wade will fill a vacant position due to the retirement of John Schweitzer. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Barb Heck to the Campbell County Extension District Board to fill the unexpired term of Kathy Jones effective September 19, 2013 through June 29, 2015. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Commissioner Garrett stated that the Senior Citizen Picnic held on September 18 was a great event and well-attended. Judge Pendery agreed and thanked everybody who worked at the picnic.

Matt Elberfeld requested a motion to authorize staff to solicit bids for the reconstruction of Thelma Lee Drive. Motion was made by Commissioner Rechlin, seconded by Commissioner Garrett. Judge Pendery described where Thelma Lee Drive is located and the deteriorated condition of the road that serves two businesses. The road was built according to specifications at the time and accepted for maintenance by the County. Robert Horine explained that since 1990 Kentucky law provides that a county or city must accept for maintenance any road in a subdivision that was built pursuant to the county's or city's specifications. He explained the County's process for accepting a street for maintenance. Commissioner Rechlin asked if it is more economical to bid the entire project than half at a time. Judge Pendery stated that the engineer recommended that the work be bid this way. There is some slippage on the road and they are watching to see what happens with it. The major portion of the work will be done next year. All voted "AYE" and the motion passed.

A motion was requested to approve the budget transfers as presented for September 19, 2013. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims and supplemental claim as presented for September 19, 2013. County Attorney Steve Franzen stated that he has reviewed the claims and that they all appear appropriate. Motion was made by Commissioner Painter, seconded by Commissioner Garrett. Commissioner Rehtin 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 Garrett made a motion to adjourn, seconded by Commissioner Painter. All voted "AYE" and the meeting adjourned at 7:20 p.m.

Attachments:

Ordinance O-10-13 Bond Refunding Issue
Resolution R-124-13 Contract for Secondary Road Funds
Resolution R-123-13 Adopt Utility Allowance Schedule for the Housing Department
Resolution R-125-13 Sanitary Sewer Easement
Resolution R-126-13 Contract for Engineering Services for Bridge Repair/Replacement
Budget Transfers September 19, 2013
Claims and Supplemental Claim September 19, 2013

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk