

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

June 5, 2013

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, June 5, 2013, 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
Matt Elberfeld	Finance Director
Paula Spicer	Fiscal Court Clerk
Keith Hill	Campbell County Police Chief
Pat Dressman	Human Services Director
Jack Snodgrass	Campbell 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 May 15, 2013 were presented. Motion was made by Commissioner Garrett, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Paul Whalen, Chairman of the Campbell County Democratic Executive Committee, addressed the Fiscal Court regarding Ordinance O-04-13 establishing a 911 Service Fee. His concern is that the new fee of \$45 is \$12 more than the current charge. He stated that the public has not been presented facts/figures on why this new fee is needed. Mr. Whalen stated that as a property tax increase in excess of 4%, it could be subject to recall under KRS 132.017. He stated that it places an unfair burden on individual private property owners of residential units. Mr. Whalen urged the Fiscal Court to reject the ordinance as currently written. He agreed that the 911 system is underfunded, but there must be another way to collect fees. Judge Pendery advised that they

will likely not vote on the ordinance tonight due to some changes that will be made. He is willing to meet with Mr. Whalen privately to talk about the ordinance. Judge Pendery stated that the new fee is needed due to the decreasing number of land lines. He further stated that the fee on cell phones goes to the State and the County receives very little of that.

Charles Tassell, Director of Government Affairs for Greater Cincinnati and Northern Kentucky Apartment Association distributed copies of case law regarding the levying of fees and the unconstitutionality of some fees. He stated that apartments are being targeted due to a perceived increase in usage of 911 services. However a recent study in Cincinnati indicates that apartments have 20% less calls for service than single family homes.

JR Roth stated that as an apartment owner and individual he will be paying a lot more in 911 fees. He called 911 last year and the call went to Cincinnati and the dispatcher hung up on him. He stated that County employees provide the 911 services and the costs should be paid by the County with the taxes that everybody pays; all fees should be paid out of the general fund budget. Judge Pendery stated that the dispatch center employees are public employees, but are not employed by the Fiscal Court.

Erik Hermes, Campbell County resident, asked if the appointments to the Extension District Board are paid positions. He was told that they are not paid. He then asked if Mike Mullen's job as full time Parks and Recreation Foreman is a paid position. He was told that it is a paid position and that Mr. Mullen's annual compensation was just over \$50,000. Robert Horine then explained that Mr. Mullen has been filling in as interim Parks and Recreation Manager for the last 18 months. With the appointment of a new Manager, Mr. Mullen will go back to his previous position as Foreman at a slightly higher salary than before and with the same benefits.

Kevin Gordon stated that although the item regarding the sale of Lakeside Apartments has been removed from the agenda, he hoped that they would still have a discussion about what to do with the proceeds of the sale. He agrees with Commissioner Rehtin that the funds should be designated for senior citizens. He stated that a federal loan was used for the apartments and that the Fiscal Court had not put any money into the facility. Judge Pendery listed several instances and amounts that the Fiscal Court has subsidized the Lakeside Apartments over the years.

Kevin Gordon stated that he wants the Fiscal Court to take action on the Sanitation District No. 1 (SD1) issue so that people know where they stand.

David Rager, General Manager, Sanitation District No. 1 of Northern Kentucky (SD1) presented a request for a 9% rate increase as recommended by the SD1 Board of Directors. He stated that SD1 has \$500 million in bond obligations and has to comply with the consent decree which is very expensive. A 9% increase will keep the bonds solvent and maintain current operations of SD1 – it will not provide funding for future consent decree projects, only those projects currently underway that have a 2015 deadline. Mr. Rager stated that since 2009 they have been telling the EPA and the State that the consent decree was unaffordable. The EPA and State have finally responded that they agree that it is unaffordable and SD1 will attempt to renegotiate the terms of the consent decree. The 9% rate increase does not provide funding for any new development, it minimally funds sewer failures and emergencies, and it does not fund private sewer laterals

under streets. Mr. Rager stated that 50 cents of every dollar that comes into SD1 goes to pay debt service and a high percentage of SD1's costs are fixed and are out of their control. He concluded by stating that Boone and Kenton Counties did not approve the 9% rate increase. Therefore, the three Judge/Executives will approve the budget at a June 20, 2013 meeting. Mr. Rager answered questions from the Fiscal Court and the public. Chuck Heilman, member of the SD1 Board of Directors, thanked the Fiscal Court for appointing him. He reminded them that the consent decree is the same as a federal court order. He stated that he voted in favor of a 17% increase because he believed that it was the Board's fiduciary responsibility. He stated that he is committed to finding a workable solution. Commissioner Rehtin stated that even though they don't have to, he thinks that they should read the resolution and vote on it. Judge Pendery stated that to vote is a moot issue since the Boone and Kenton Fiscal Courts did not approve it, but he would leave it up to the Fiscal Court members if they wanted to vote. Commissioner Rehtin moved that Resolution R-62-13 be read. There being no second, the motion failed.

Melissa Williams presented old business with a second reading of Ordinance O-04-13 by title and summary. O-04-13 establishes a service fee for enhanced 911 Emergency Dispatch Services to owners of real property in Campbell County, Kentucky. Robert Horine stated that staff would like to amend the ordinance; he will bring the revised ordinance back for a first reading at the June 19, 2013 meeting. Steve Franzen stated that he is not comfortable having a second reading of the ordinance due to making a substantial change to the ordinance. He stated that this is proposed as a fee and it is permissible. It is not as clear as he'd like, but the Fiscal Court can set it this way. There is a statute that permits a fiscal court to levy a 911 fee. He talked about the case law that was introduced by Mr. Tassell. He believes that the fee would withstand legal scrutiny, although it may be challenged. Robert Horine stated that the number of landlines in Campbell County has dropped from 45,000 in 2002 to 27,000 in 2013. He estimated that there are about 43,000 residential and commercial units in Campbell County. He stated that it was difficult to come up with a fee that spreads the burden fairly. Mr. Horine stated that the Campbell County Consolidated Dispatch Center needs about \$1.8 million to maintain current operations. By July 1, 2015 it will have only \$25,000 cash; they have been operating at a loss since fiscal year 2011. Commissioner Rehtin asked that the Finance Director review this fee. He thinks that \$45 is high and does not want the automatic cost of living increase but rather an annual review. Commissioner Garrett asked if they could find out how many utility hook-ups there are in the County.

New business was presented beginning with Resolution R-61-13 by title and summary. R-61-13 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. Under this Agreement the Department of Rural and Municipal Aid will provide funding in the amount of \$125,000 for the resurfacing of Gilbert Ridge Road (CR #1301) and Maddox Road (CR #1236). Commissioner Rehtin made a motion to adopt R-61-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-60-13 was read by title and summary given. R-60-13 approves and adopts a Memorandum of Agreement (MOA) with the City of Southgate, Kentucky regarding providing road fund dollars for street reconstruction, repair and resurfacing for Beech Street. The County

will provide up to \$125,000 in road funds to assist the City of Southgate with the resurfacing of Beech Street in Southgate. Commissioner Rechtin made a motion to adopt R-60-13, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-63-13 was read by title and summary given. R-63-13 authorizes alcohol sales (wine only) at A J Jolly Park, Campbell County, Kentucky, for a one-day event celebrating the 50th Anniversary of the Park, and further authorizes the Judge/Executive to issue an executive order authorizing alcohol sales on August 17, 2013 at A J Jolly Park. The Jolly Park Community Development Council is hosting a 50th Anniversary Celebration at A J Jolly Park on August 17, 2013. The celebration will include a wine tasting event by local wineries. Alcoholic beverages are prohibited in the park by County ordinance, therefore the Campbell County Fiscal Court and Campbell County Public Parks Corporation must approve the possession, consumption and selling of alcohol at the Park for this event. Commissioner Garrett made a motion to adopt R-63-13, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-63-13 (Parks) was read by title and summary given. R-63-13 (Parks) authorizes alcohol sales (wine only) at A J Jolly Park, Campbell County, Kentucky for a one-day event celebrating the 50th Anniversary of the Park, and further authorizing the Judge/Executive to issue an executive order authorizing alcohol sales on August 17, 2013 at A J Jolly Park. Campbell County Public Parks Corporation Secretary Garrett made a motion to adopt R-63-13 (Parks), seconded by Treasurer Rechtin. All voted "AYE" and the motion passed.

A motion was requested to proclaim June 14, 2013, Flag Day, as Baptist Convalescent Center Veterans Tribute Day in Campbell County, Kentucky, in recognition of veterans who are served by the Baptist Convalescent Center. Motion was made by Commissioner Rechtin, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Kelsie Price to the seasonal position of Camping and Concessions Worker at \$9.82/hour and to appoint Andrew Black as a Parks Maintenance Worker at \$10.20/hour both effective June 6, 2013. These two appointments are being made to replace workers that have resigned. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to return Mike Mullen to the position of full time Parks and Recreation Foreman with the Campbell County Parks and Recreation Department effective June 10, 2013, with compensation set at Grade 12 \$50,490 annually. Motion was made by Judge Pendery, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Resolution R-64-13 was read by title and summary given. R-64-13 updates the part time Human Services Specialist position description to a full time position with expanded job duties, and authorizing corresponding amendments to the Administrative Code. Judge Pendery made a motion to adopt R-64-13, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for the position of full time Human Services Specialist. This full time position will replace the current part time

position in the Human Services Department. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to reappoint Chris Geiman to the Campbell County Extension District Board for a three year term effective June 30, 2013 through June 29, 2016. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Dr. Maggie Whitson to the Campbell County Cooperative Extension Board for a three year term effective June 30, 2013 through June 29, 2016. Dr. Whitson replaces Don Girton whose term on the Board has expired. Motion was made by Judge Pendery, seconded by Commissioner Garrett. Judge Pendery thanked Mr. Girton for his years of outstanding service on the Board. All voted "AYE" and the motion passed.

Commissioner Rehtin stated that he has talked to Jennifer Teipel of Campbell County Media regarding high speed internet service in the County. Much of the County is still served with dial-up. He stated that it is not easy to get a coverage map from providers; Ms. Teipel has requested coverage maps from both Insight and Time Warner Cable. These companies utilize the County's right-of-way and did have agreements for build-outs. Ms. Teipel advises that there are no current franchise agreements. Commissioner Rehtin asked that either Judge Pendery or Robert Horine request coverage maps to aid in planning for development and service for businesses in the County. Some business struggle with getting data in and out over the internet; these businesses need high speed internet access to be competitive. Judge Pendery stated that they will try to get the information.

Judge Pendery announced that on May 20, 2013 Jeremy Prues took the Oath of Office to become the Campbell County Constable in District One. Mr. Prues fills the vacancy created when Jeff Kidwell was elected Campbell County Sheriff. Mr. Prues has posted the required bond.

Judge Pendery announced that the Campbell County Backroads Farm Tour will be on Saturday, July 27, 2013 from 9:00 a.m. to 5:00 p.m. Approximately 15 farms are participating.

Matt Elberfeld requested a motion authorizing staff to solicit a Request for Proposals for a financial advisor for the advance refunding of the 2006 General Obligation debt. In 2006 the Fiscal Court issued debt in the amount of \$13,150,000 with interest rates ranging from 4.0% to 4.375% for the renovation and expansion of the jail. There is currently \$10 million outstanding which is callable in June 2016. Mr. Elberfeld recommends refunding the debt to take advantage of lower interest rates. This can be done by advanced refunding which could save the County \$414,630 over the life of the debt. In order to move forward with this, he recommends that the County solicit proposals for a new financial advisor. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to award a contract to Central Salt LLC (\$59.99 per ton) and to Cargill Inc. Deicing Tech (\$61.00 per ton) for salt to be used by the Road Department in Fiscal Year 2014. Five bids were received. Central Salt LLC and Cargill Inc. Deicing Tech were chosen as the best bids. Motion was made by Commissioner Painter, seconded by Commissioner Garrett. All voted "AYE" and the motion passed. Mr. Elberfeld explained that they did not chose North

American Salt Company because they want to be a sole supplier, and staff thinks that it is best to have two suppliers.

Mr. Elberfeld then requested a motion to approve the claims as presented for June 5, 2013. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. 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 8:55 p.m.

Attachments:

Resolution R-61-13	Rural Secondary Road Agreement
Resolution R-60-13	Memorandum of Agreement with City of Southgate
Resolution R-63-13	Alcohol Sales at A J Jolly Park – 50 th Anniversary Celebration
Resolution R-63-13 (Parks)	Alcohol Sales at A J Jolly Park – 50 th Anniversary Celebration
Proclamation	Baptist Convalescent Center Veteran's Tribute Day
Claims	June 5, 2013

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk