

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**November 18, 2009**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 18, 2009, 5:30 p.m. at the Campbell County Fiscal Court offices at 24 West Fourth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:  
STEVE PENDERY

COUNTY COMMISSIONERS:  
DAVID OTTO  
KENNETH RECHTIN  
MARK HAYDEN

|                  |                                 |
|------------------|---------------------------------|
| Robert Horine    | County Administrator            |
| Melissa Williams | Director of Administration      |
| James A. Daley   | County Attorney                 |
| Paula Spicer     | Fiscal Court Clerk              |
| Jim Seibert      | Fiscal Director                 |
| Keith Hill       | Chief of Police                 |
| Peter Klear      | Director of Planning and Zoning |
| Greg Buckler     | Jailer                          |
| David Plummer    | Solid Waste Coordinator         |

The meeting was called to order at 5:30 p.m. by Judge Pendery.

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 regular Fiscal Court Meeting held on November 4, 2009 and the Mayors' Meeting held on October 27, 2009 were presented. Motion was made by Commissioner Hayden, seconded by Commissioner Otto, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Pendery asked if anyone wished to address the Fiscal Court. JR Roth noticed the item on the agenda regarding accepting bids for surplus property. He is interested in bidding on the furnishings in the building at 24 West Fourth Street and 1010 Monmouth Street, as well as the fencing that was around the construction site. He talked to someone who told him that she'd call him when the property was advertised, but he never heard from her. Robert Horine advised that there was a sale of surplus property from 1010 Monmouth Street, but not many bids were submitted. He further advised that the sale was advertised in the newspaper and online. There

will be another sale of the property at 24 West Fourth Street, and he will make sure that Mr. Roth is notified of it.

Teresa Barton of Ameresco began her presentation by introducing Mary Joyce Freibert and Sarah Sardo. Ms. Barton explained that Ameresco is an independent energy solutions company that has delivered \$4 billion in energy solutions to its clients. They have significant experience in the public sector with 56 offices in North America. Ms. Barton defined Performance Contracting (PC) and its benefits explaining that Ameresco guarantees that the cost of utility and operations will meet or exceed the annual payments to cover all project costs over an agreed debt service period. She then gave an overview of the conservation measures recommended for Campbell County. Ms. Barton next addressed financial impact by suggesting a variable rate loan for a term of 15 years taking into consideration the stimulus funding in the amount of \$257,940 and rebates from Duke Energy. The estimated total project cost to be financed is \$1,361,810, with an annual cost to the County of \$104,822. Ms. Barton estimates that the County's total annual savings would be in excess of \$114,000 guaranteed by Ameresco. She pointed out specifically how much money would be saved annually at the Detention Center alone. Ms. Barton summarized what has been done so far by Ameresco and what the next steps would be.

When asked how Ameresco can guarantee the savings, Teresa Barton stated that they can only guarantee the amount based on the rate that they quoted. Ms. Freibert stated that what they are guaranteeing is that the County is going to save on utilities or fuel by instituting the conservation measures recommended by Ameresco. If the County does not realize the savings guaranteed by Ameresco, then Ameresco will pay the County. Robert Horine stated that the financing is up to the County; they could negotiate a lower interest rate. Ms. Barton stated that Ameresco will perform an annual inspection to measure and verify savings as part of their performance insurance. Adjustments can be made to accommodate changes in hours and use of buildings. The County can hire a third party to do this if it chooses. James Daley pointed out that in addition to the initial contract, there will be an addendum for each building. Ms. Barton stated that Ameresco will take care of getting the equipment and contractors to perform the work involved with adapting the buildings; they are not required to seek competitive bids. The County could seek financing through KACo or other institutions for the best rate; the indebtedness will not count against the County's bonding capacity. Concerns were raised about the equipment failing and requiring replacement while the County is still paying the debt for 15 years. Some of the current equipment doesn't need to be replaced, however some of it is not operating efficiently. Ms. Barton stated that the County would be going into debt, but Ameresco estimates that the County could save \$7,500 per year on energy costs. Proposed upgrades for the Alexandria Courthouse were discussed taking into consideration that the building is not used much. Mr. Horine stated that this information was presented for the Fiscal Court's consideration, and no action is required tonight.

Old business was then presented by Melissa Williams with Ordinance O-09-09 which was given second reading by title and summary. O-09-09 updates the Official Zoning Map for unincorporated Campbell County to rezone an approximate 71 acre area located at 6310 Four Mile Road, unincorporated Campbell County as described in the attached map, from R-RE (Residential Rural Estate) to A-1 (Agricultural One). This request for a zoning map amendment was reviewed and recommended for adoption by the Campbell County and Municipal Planning

and Zoning Commission. Commissioner Hayden made a motion to adopt O-09-09, seconded by Commissioner Rechtin. All voted "AYE", and the motion passed.

Ms. Williams then presented new business beginning with Ordinance O-10-09 which was read by title and summary given. O-10-09 enacts and adopts the 2009 S-19 Supplement to the Code of Ordinances of the County of Campbell, Kentucky. This supplement includes ordinances adopted from July 1, 2008 through June 30, 2009. The ordinances were codified by American Legal Publishing, reviewed by staff and the supplement is recommended for adoption. This is a first reading and no action is required at this time.

Resolution R-138-09 was read by title and summary given. R-138-09 authorizes the Judge/Executive to execute a contract with Steve Helmer (d/b/a Electric Inspection) to provide professional electric inspection services to Campbell County. The County is now required to have contracts with its electric inspectors in connection with its expanded jurisdiction for building inspections. Ms. Williams advised that the next Resolution, R-139-09, deals with the same issue. Commissioner Rechtin made a motion to adopt R-138-09, seconded by Commissioner Otto. Commissioner Rechtin asked if bids were solicited for these services, or how the contracts were arranged. Peter Klear advised that these are not new contractors or new services; they are performing these services now, but not under contract. This is a specialty and the inspectors must be certified. The inspectors are paid by the applicant who can chose which inspector that they want to use. Kentucky Revised Statutes sets a maximum fee that can be charged for inspections. Mr. Klear stated that Boone County uses Mr. Helmer for inspections, and the NKAPC, on behalf of Kenton County, has its own inspector. Commissioner Otto made a motion to adopt R-138-09, seconded by Judge Pendery. Commissioner Rechtin stated that he is uncomfortable that these services were not put out for bid, and thinks that it should be. Commissioner Hayden agreed, stating that if they are imposing a fee on citizens, they should get the best price. Mr. Klear stated that the State requires any entity having a building inspection program, to have an electrical inspection program as well. He stated that besides NKAPC, he is only aware of three other electric inspectors in Boone and Campbell Counties. The motion and second were withdrawn, and direction was given to advertise for bids. Based on this action, Resolution R-139-09 was tabled.

Resolution R-142-09 was read by title and summary given. R-142-09 authorizes the County Judge/Executive to execute a contract with Kramer Excavating, Inc. for snow removal and ice maintenance services for the 2009-2010 winter season. Ms. Williams listed the various lots to be cleared by Kramer Excavating from November 2009 through April 2010. Kramer Excavating has been performing these services for several years and the hourly rate will remain the same. She suggested that they consider bidding for these services next year. Commissioner Rechtin made a motion to adopt R-142-09 providing that the services are put out to bid next year, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-141-09 was read by title and summary given. R-141-09 adopts the 2010 Holiday Schedule for the Campbell County Fiscal Court Employees. Ms. Williams stated that most of the offices that will be together in the new Administration Building have the same holiday schedule. Judge Pendery made a motion to adopt R-141-09, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Robert Horine requested that Ordinance O-11-09 relating to horse trail rules and regulations be tabled until the lease agreement with the Northern Kentucky Horse Network is finalized.

Mr. Horine presented Resolution R-140-09 which was read by title and summary given. R-140-09 authorizes the County Judge/Executive to execute an amendment to the agreement with the Kentucky Transportation Cabinet for the A. J. Jolly Bike Trail Project. The amendment extends the agreement to June 30, 2010 to enable payment to be made to the County. Commissioner Hayden made a motion to adopt R-140-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-143-09 was read by title and summary given. R-143-09 accepts the bid for demolition of the building at 1010 Monmouth Street. Robert Horine explained that the low bidder was Claunch Construction, LLC, and that both Codell Construction and Brandstetter-Carroll recommended accepting this bid based on their past experience with Claunch. He further stated that the demolition of this building has been part of the plan for the new Administration Building. The County already has a contract for construction of a parking lot at 1010 Monmouth Street after the building is demolished. The asbestos abatement in the building will begin the end of the week with demolition to start December 1 and be completed by December 15, 2009. Commissioner Hayden made a motion to adopt R-143-09, seconded by Judge Pendery. Commissioner Rehtin asked about the source of funds for the demolition. Mr. Horine stated that it will be paid out of the building budget. He stated that the project is still under budget; he acknowledged that they should have put more money in the fund and that they did not get the interest income that they anticipated. Mr. Horine stated that they are still within a reasonable budget for the project. Mr. Seibert stated that the total project cost is about \$13.2 million. Commissioner Rehtin requested a list of all expenses for the project, included acquisition, construction, change orders and demolition. All voted "AYE" and the motion passed.

Resolution R-144-09 was read by title and summary given. R-144-09 authorizes the County Judge/Executive to execute a lease agreement with Donald A. Hennard for use of a parking lot at 1033-1045 Monmouth Street, Newport, Kentucky. Mr. Horine explained that this lease for \$1,000 per month will provide 36-40 more parking spaces for employees until the new lot is constructed at 1010 Monmouth Street. He stated that this will bring the number of parking spaces to 97, and there will be 89 employees in the building when we move in, not including the Sheriff's employees. Mr. Horine stated that the only utility payment involved with the lot would be the storm water fee. Commissioner Rehtin stated that there was some disagreement with the City of Newport regarding the parking lot at 10<sup>th</sup> and Saratoga, and they may have the same problems with this lot. Judge Pendery stated that the City does want the County to have more parking and that will be accomplished when the new lot is built at 1010 Monmouth. After that lot is completed they will know the actual parking needs. Commissioner Rehtin stated that he wants a meeting set up with Tom Fromme as soon as possible to discuss parking in general; he believes that the County does not have adequate parking. Judge Pendery stated that they met with the Mayor recently and showed him the plans for parking and the proposed landscaping and improvements to be made. Commissioner Otto made a motion to adopt R-144-09, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Commissioner Rehtin stated that Northern Kentucky University's Board of Directors are using Kindles to be kept up to date throughout the day. They have reported a savings of \$20,000 a

year on paper/copying costs. Commissioner Otto stated that he believes that the Board of Regents are using Kindle models that cost about \$800-\$900. He was told that the average meeting packet for the Board of Regents was easily over 240 pages. Commissioner Otto suggested that they look at the Kindles, but also look at laptops because they can be quite inexpensive. He stated that they could get their email on the Kindle also. Commissioner Hayden suggested that Brett Ruschman look into the use of Kindles or laptops.

Judge Pendery announced that the Fiscal Court's last day in the building at 24 West Fourth Street will be on Friday, November 20, 2009. The offices will be closed for business on that day due to the move, and will reopen at 1098 Monmouth Street on Monday, November 23, 2009. Commissioner Otto stated that the PVA, County Clerk's office and the Health Department are all closed for the move. Robert Horine stated that there will be a ribbon cutting at the new building at the beginning of the workday on November 23, 2009.

Jim Seibert requested a motion to accept the bids for surplus property from 1010 Monmouth Street. There was not much to bid on. Motion was made by Commissioner Hayden, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Jim Seibert requested a motion to approve the claims and supplemental claim as presented for November 18, 2009. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Otto made a motion to adjourn, seconded by Commissioner Hayden. All voted "AYE" and the meeting adjourned at 7:10 p.m.

**Attachments:**

Ordinance O-09-09    Zoning Map Amendment  
Resolution R-142-09   Contract for Snow Removal Services  
Resolution R-141-09   Adopt 2010 Holiday Schedule  
Resolution R-140-09   Amend Agreement with Kentucky Transportation Cabinet  
Resolution R-143-09   Accept Bid for Demolition of 1010 Monmouth Street  
Resolution R-144-09   Lease Agreement for Parking at 1033-1045 Monmouth Street

Claims and Supplemental Claims of November 18, 2009

Approved:

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STEVE PENDERY  
Campbell County Judge/Executive

Attest:

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Paula K. Spicer, Fiscal Court Clerk