

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**March 18, 2009**

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

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:15 p.m. for the purpose of obtaining public input on the Annual Agency Plan for Campbell County Housing Department. Present at the hearing were:

David Otto, County Commissioner  
Kenneth Rehtin, County Commissioner  
Mark Hayden, County Commissioner  
James Daley, County Attorney  
Robert Horine, County Administrator  
Melissa Williams, Director of Administration  
Sarah Collins, Director of Housing  
Paula Spicer, Fiscal Court Clerk  
Col. Keith Hill, Campbell County Police Department

Sarah Collins, Director of Housing, opened the public hearing. She explained that every year the Housing Department must revise its annual plan as required by the U.S. Department of Housing and Urban Development. The proposed plan has been available for public review since January 23, 2009 at both the Housing Department and Fiscal Court offices. The plan covers procedure and policy changes and implementation or cancellation of services. Ms. Collins invited comments or suggestions on the plan. The plan must be submitted to the Department of Housing and Urban Development by April 17, 2009. No one spoke on the plan and the hearing was closed at 5:20 p.m.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE:  
STEVE PENDERY

COUNTY COMMISSIONERS:  
DAVID OTTO  
KENNETH REHTIN  
MARK HAYDEN

Robert Horine  
Melissa Williams  
John Austin  
James Daley

County Administrator  
Director of Administration  
Government Relations Manager  
County Attorney

Col. Keith Hill  
Paula Spicer  
Sarah Collins

Chief, Campbell County Police Department  
Fiscal Court Clerk  
Director of Housing

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 Fiscal Court Meeting held on March 4, 2009 and the Mayor's Meeting of February 3, 2009 were presented by Judge Pendery. Motion was made by Commissioner Otto, seconded by Commissioner Hayden, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Pendery asked if there was anyone who wished to address the Fiscal Court. Sandra Wills, a frequent voter in Campbell County, requested that the Fiscal Court support a comprehensive smoke-free law. She stated that communities around the country have noted the harmful side effects of second-hand smoke and have made the decision to protect their citizens. She believes that all citizens deserve to be protected, and to that end hopes that the Fiscal Court will support a comprehensive smoke-free law.

There were no guests to speak at the meeting, and no old business to attend to, so Melissa Williams presented new business to the Fiscal Court.

Resolution R-23-09 was read by title and summary given. R-23-09 authorizes the County Judge/Executive to execute a Support Service Agreement with Global Business Solutions, Inc. for the period April 1, 2009 through March 31, 2010. This agreement is for technical services for the computer system. Ms. Williams explained that this is a renewal and is recommended by Brett Ruschman, IT Director. Commissioner Otto made a motion to adopt R-23-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-24-09 was read by title and summary given. R-24-09 authorizes the County Judge/Executive to execute an agreement between the Campbell County Extension Service and the Campbell County Parks and Recreation Department to provide mowing and trimming services to the Campbell County Extension Environmental Center during 2009. This is a renewal of an agreement that provides that the Parks and Recreation workers will mow at the Environmental Center which is adjacent to A J Jolly Park, and in return the people who contract with the Extension Service will mow and trim at Lakeside Commons for the County. Commissioner Hayden made a motion to adopt R-24-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-26-09 was read by title and summary given. R-26-09 adopts the 2009-2010 Annual Plan for the Housing Department. Ms. Williams stated that this is the Plan that was the subject of the public hearing held prior to the regular meeting. Commissioner Rehtin made a

motion to adopt R-26-09, seconded by Commissioner Otto. All voted “AYE” and the motion passed.

Resolution R-27-09 was read by title and summary given. R-27-09 authorizes the Judge/Executive to execute a Memorandum of Understanding with the City of Newport, Kentucky, in connection with a Justice Assistance Grant (JAG) from the U.S. Department of Justice. The JAG is in the total amount of \$95,499.00, with \$29,686.00 going to Campbell County and \$65,813.00 to the City of Newport who will act as grant recipient. The funds are from the American Recovery and Investment Act of 2009 and eligibility is based on crime statistics and population. Chief Keith Hill explained that this is the third year that Campbell County has acted together with Newport for the grant, with this year’s allocation being the highest amount received. Commissioner Rechtin made a motion to adopt R-27-09, seconded by Commissioner Otto. Commissioner Rechtin asked if there were limitations on how the money is spent. Chief Hill stated that they will use the funds to purchase rifles, gun locks and ammunition; it can be use for anything as long as it is police related. All voted “AYE” and the motion passed.

Ms. Williams presented Resolution R-28-09 which was read by title and summary given. R-28-09 accepts the Kentucky Highway Department’s recommendations for the FY 2009-2010 Rural Secondary Road Program. The recommendations were presented by Rob Hans, Highway Department District 6 Engineer, at the last Fiscal Court meeting, and include improving portions of Clay Ridge Road, Carthage Road and Tollgate Road. Ken Schultz, Road Department Director, agrees with the recommendations. Commissioner Rechtin made a motion to adopt R-28-09, seconded by Commissioner Otto. Commissioner Rechtin stated that the Highway Department should be notified that ditching needs to be done along the secondary rural roads and along the state routes to prevent water from ponding along the sides of the roads. All voted “AYE” and the motion passed.

Resolution R-30-09 was read by title and summary given. R-30-09 authorizes the Judge Executive to execute a lien release for individual properties located on Kramer Drive and Charlotte Drive as individual property owners pay in full the lien to the County. Commissioner Rechtin made a motion to adopt R-30-09, seconded by Commissioner Hayden. James Daley advised that a house just sold on one of the streets and he has the release ready for signing. Robert Horine explained that when a property is sold the lien must be paid off at that time. All voted “AYE” and the motion passed.

Ms. Williams requested a motion to proclaim the week of March 22 through 28, 2009 as Commonwealth Clean-Up Week in Campbell County recognizing the personal efforts of citizens to spring clean and recycle across the Commonwealth. In connection with this proclamation the County Clean-Up days are March 27, 28 and 29, County Shred Day is April 19, and the Oil Reclamation event is on May 2. Commissioner Rechtin made the motion, seconded by Commissioner Hayden. All voted “AYE” and the motion passed.

A motion was requested to proclaim April 3, 2009 as Arbor Day in Campbell County, and urging citizens to participate in observance of this day by planting trees to beautify the County and to focus attention on our great natural resource – our forests. This proclamation was requested by

Luke Saunier, Kentucky Forest Ranger Technician. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to extend the deadline for use of 2008 overflow vacation hours from April 1, 2009 to June 30, 2009 for the following employees: Pat Dressman, David Kean, Mike Mullen, Steve Myers, Pamela Doyle, Keith Hill, Gregory Haigis, Eric Schmidt, Naguanda Deaton, Robert Horine, Edmond Richardson, David Lusher, Richard Lucas, Chris Sapp, James Seibert, Marsha Dufek, Peter Klear, Dennis Reller, David Schneider, Joseph Clevenger, Todd Straman, David Halfhill, Melissa Williams, Anita Judge, John Austin, Brett Ruschman, Diane Bertke, Laurie Forrester and Deborah Bauer. Ms. Williams stated that if the employees do not use the time by June 30, then it is gone. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-25-09 was read by title and summary given. R-25-09 amends the Administrative Code organizational chart and authorized position list to reflect the change in job title and description of one existing Seasonal Golf Maintenance Worker position to Seasonal Crew Leader Golf Maintenance Worker with no change in grade. Judge Pendery made a motion to adopt R-25-09, seconded by Commissioner Hayden. All voted "Aye" and the motion passed.

Ms. Williams requested a motion to appoint Mark Stemmer to the position of Seasonal Crew Leader Golf Maintenance Worker effective March 16, 2009 through the 2009 Park Season, with compensation set at Grade 6N (\$13.00/hr). Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Josh Spicer, Part-time IT Intern, effective March 15, 2009. Mr. Spicer was recently appointed, but due to personal reasons he had to resign because he is moving out of the region. Motion was made by Judge Pendery, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

A motion was then requested to appoint Stephen Matthew Powell to the position of Part-Time IT Intern effective March 18, 2009 with compensation set at Grade 6H (\$11.21/hour). Motion was made by Judge Pendery, seconded by Commissioner Hayden. Judge Pendery and Commissioners Otto and Hayden voted "AYE", Commissioner Rechtin voted "NAY", and the motion passed. Commissioner Rechtin voted NAY for the same reasons that he did the last time that an appointment was made to this position.

A motion was requested to appoint Linda Bray-Schafer to the Campbell County Economic Progress Authority, Inc. to fill the unexpired term of Donald L. Johnson who resigned in November 2008. The appointment is effective March 18 through October 18, 2010. Judge Pendery made the motion seconded by Commissioner Hayden. Commissioner Hayden stated that Ms. Schafer will do a great job; she is from the south end of Campbell County and will provide a new perspective for the board. Commissioner Rechtin suggested that they do something to acknowledge Don Johnson's many years of service on the Board. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-29-09 which was read by title and summary given. R-29-09 authorizes the Judge/Executive to execute a lease agreement for space at 231 Sixth Avenue, Dayton, Kentucky. This is the location that the County has been leasing since 1998 to store voting machines. The building was recently sold and the new owner requires a lease agreement to continue use of the building. Staff recommends a six month lease agreement. Mr. Horine stated that at the April 1 meeting, staff will seek approval from the Fiscal Court to advertise for new voting machines in compliance with new federal standards. The new machines which will replace the old ones will be paid for with federal funds, and are smaller in size so they will not require as much storage space. Staff is exploring options for storing the new machines, and one option is to store them at the Alexandria Courthouse. Commissioner Hayden stated that he understands that Jack Snodgrass, County Clerk, determined that there is not enough room to store the old machines at the Alexandria Courthouse, but that the new machines will fit. Mr. Horine stated that the County Attorney did review the lease agreement and a couple of revisions were made that are not reflected in the copy of the lease contained in the meeting packets. Commissioner Hayden asked if they've looked at all available County-owned buildings and determined that there is no adequate space to store the current voting machines. Mr. Horine confirmed that they had. He stated that not only are the old machines larger, but they require additional space for maneuvering when the machines are programmed. Commissioner Otto stated that before storing the new voting machines in the Alexandria Courthouse, the building should be checked to make sure that there are no water leaks or humid conditions that could cause damage to the machines. Mr. Horine stated that they will check to ensure that the conditions are appropriate for storage of the voting machines, and there are also security requirements which must be met. He stated that the County was given 30 days notice by the new owner to vacate the premises at 231 Sixth Avenue which was today, however after negotiations, they came up with the lease presented at this meeting. Commissioner Rechtin suggested that if the new machines cannot be stored at any County facility, we should check with other cities to see if they have facilities available. Mr. Horine stated that if the County's buildings aren't suitable, staff will certainly explore other options, including contacting cities. Commissioner Hayden made a motion to adopt R-29-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

John Austin provided an updated list on bills in the General Assembly and items of interest to the Fiscal Court and highlighted several of those items. He began with HB117 which extended the actuarially required contribution from five to ten years; it has passed and is awaiting the Governor's signature. This will offer short-term relief to Campbell County and the rest of the counties and cities in Kentucky. Robert Horine pointed out that this could reduce the County's pension contribution by as much as \$200,000 in the next fiscal year. Mr. Austin stated that the road plan has passed the House and Senate and is awaiting signature. Notably, the US 27 project was awarded \$29 million in federal stimulus money, the John's Hill Road project was awarded \$5 million in construction money for this fiscal year, and the project for a turn lane on KY 8 at KY 1998 was awarded \$2.17 million for construction in this fiscal year. There were also funds received for rehab projects in Bellevue and Dayton. Commissioner Otto pointed out that Representative Keene secured close to \$300,000 for Covert Run in the Bellevue area.

Mr. Austin then addressed the American Recovery and Reinvestment Act which awarded the \$29 million in federal funds for US 27. He thanked the state legislators and the Judge/Executive and

Commissioners for their efforts in getting these funds. Commissioner Hayden stated that Senator Katie Stine was instrumental in securing the \$5 million funding for the John's Hill Road project that will benefit Northern Kentucky University. Judge Pendery stated that the US 27 project which is shovel-ready, has been held in abeyance for a couple of years. Since that project has been funded, hopefully other projects in the six-year plan will be getting funded sooner. Mr. Austin stated that the Sanitation District has applied for federal stimulus money to fund sewer infrastructure projects including the Silver Grove pump station which will benefit both Silver Grove and Highland Heights. The Northern Kentucky Drug Strike Force is expecting an increase in its federal stimulus funding from \$130,000 to \$264,000 in the next fiscal year.

Mr. Austin then outlined activity from the federal omnibus appropriation which was passed by the House and Senate and signed by the President. Campbell County received funding for five projects: I-471 pavement rehabilitation project, Northern Kentucky University College of Informatics, Electronic Medical Records Technology for Health Point Family Care in Newport, Northern Kentucky Data Interoperability for the City of Alexandria Police Department, and Northern Kentucky Riverfront Commons.

James Daley, County Attorney, stated that he had no report, but will address the Fiscal Court later in executive session.

Commissioner Otto asked for clarification as to whether the lawsuit that the County is involved in is covered by insurance. Robert Horine replied that it is not covered by insurance. Judge Pendery stated that the insurance company normally issues a reservation of rights letter and then further a letter denying coverage; once they've made a determination it is hard to get it changed. James Daley stated that in this case, they simply issued a general denial. Commissioner Otto stated that the County has responded to an Open Records Request submitted by Attorney Blau regarding insurance coverage for the lawsuit. The request was for the insurance declaration sheet, the expenditures for legal fees and a copy of the letter declining coverage.

Judge Pendery announced that the County Clean-up event will be held March 27, 28 and 29, and there will be a shred day on April 18. J. R. Roth, citizen, stated that the newspaper reported that fluids would not be taken at the clean-up, but fluids would be taken on a separate day and place. So that means that a person has to make two different trips. Judge Pendery stated that special arrangements have to be made for the disposal of certain kinds of waste. Robert Horine explained that a separate contractor has to be brought in to handle fluid waste, and the County doesn't have the capacity to do that at the same time as the regular clean-up. He stated that the oil reclamation is primarily targeted to the agricultural community which is more like to have large volumes of used motor oil.

Robert Horine reported that Jim Seibert is attending the Kentucky Treasurers' and Finance Officers' Association conference and will return on Friday. He then requested a motion to approve the claims and supplemental claim as presented for March 18, 2009. County Attorney James Daley stated that he reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Robert Horine requested a motion for Executive Session pursuant to KRS 61.810(1)(c) to discuss pending litigation against the public agency. He expects that there will be no action taken by the Fiscal Court as a result of the executive session. Motion was made by Commissioner Rechlin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was made by Commissioner Rechlin to adjourn the executive session, seconded by Commissioner Otto. 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 Rechlin. All voted "AYE" and the meeting adjourned at 6:35 p.m.

**Attachments:**

|                                                 |                                                        |
|-------------------------------------------------|--------------------------------------------------------|
| Resolution R-23-09                              | Contract with Global Business Solutions                |
| Resolution R-24-09                              | Agreement with Campbell County Extension Center        |
| Resolution R-26-09                              | Adopt 2010 Housing Department Annual Agency Plan       |
| Resolution R-27-09                              | Memorandum of Understanding with City of Newport       |
| Resolution R-28-09                              | Rural Secondary Road Recommendations for FY2010        |
| Resolution R-30-09                              | Lien Releases – Kramer and Charlotte Drives            |
| Proclamation                                    | Commonwealth Clean-Up Week                             |
| Proclamation                                    | Arbor Day                                              |
| Resolution R-25-09                              | Amend Administrative Code Organizational Chart         |
| Resolution R-29-09                              | Lease Agreement for 231 Sixth Avenue, Dayton, Kentucky |
| Claims and Supplemental Claim of March 18, 2009 |                                                        |

Approved:

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STEVE PENDERY  
Campbell County Judge/Executive

Attest:

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Paula K. Spicer  
Fiscal Court Clerk