

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

June 16, 2004

A special (change of location) meeting of the Campbell County Fiscal Court was held on Wednesday, June 16, 2004, at 5:30 p.m. at the Campbell County Courthouse, Judge Kopowski's Chambers, 330 York Street, Newport, Kentucky.

The Fiscal Court meeting was called to order at 5:30 p.m. by Judge Pendery. A moment of silence was called for by Judge Pendery, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

In attendance at the Fiscal Court meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN

Commissioner Verst was absent.

Justin Verst	Campbell County Attorney
Robert Horine	County Administrator
Jim Seibert	Fiscal Affairs Director
David Sandfoss	Chief, Campbell County Police Department
Peter Klear	Planning & Zoning Director
Ken Knipper	Director of Office of Emergency Management
Jim Daley	Chief Deputy Jailer, Campbell County Detention Center
Melissa Williams	Administration Director
Andy Kuykendall	IT Director
Sandra Mulligan	Fiscal Court Clerk

Judge Pendery then opened the public hearing on a request to discontinue a portion of Woeste Road formerly known as Old State #4, located between Parkside Drive and Racetrack Road. The purposes of the hearing were to receive the report of Viewers who were appointed to review the request, and to hear testimony from the public related to the request.

Present at the hearing were:

Steve Pendery	Campbell County Judge/Executive
David Otto	Campbell County Commissioner
Kenneth Rechtin	Campbell County Commissioner
Justin Verst	Campbell County Attorney

David Sandfoss	Chief, Campbell County Police Department
Robert Horine	County Administrator
Jim Seibert	Fiscal Affairs Director
Peter Klear	Planning & Zoning Director
Ken Knipper	Director of Office of Emergency Management
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Judge Pendery called upon Peter Klear, Planning & Zoning Director, to present the issue to the Fiscal Court and to the public.

Mr. Klear stated that public comment on the issue is encouraged and welcomed and requested that a sign-in sheet be signed by anyone interested in speaking on the issue. He then reported that there are state statutes that speak to the issue of the process a county must take to discontinue a road. The county must publish a notice, and post signs relating to the discontinuance and the public hearing in 3 public places of the vicinity of the road at issue. Once the notices have been published, the Fiscal Court then appoints two Viewers who accompany the County Road Engineer to view the proposed area to be closed. Those Viewers then report in writing at the public hearing on what inconvenience, if any, may result from the closure of the road. After receiving the report of the Viewers and any other evidence presented by the public, the Fiscal Court then has the option to approve or disapprove discontinuing the road.

Mr. Klear reported that the Fiscal Court received a written request on May 5, 2004 from adjacent property owners to close a portion of Woeste Road. The Fiscal Court appointed Viewers by Executive Order at their meeting on May 19, 2004. Three signs were posted in the area regarding the proposed closure. Notice of this public hearing was published in the Campbell County Recorder on May 27, 2004 and on June 3, 2004. The Viewers visited the site of the proposed closure on May 28, 2004.

Mr. Klear then gave a brief PowerPoint presentation on the site of the proposed closure and some facts on the issue. He stated that the portion of Woeste Road being considered for closure is between Parkside Drive and Racetrack Road. He pointed out that signs were placed on Parkside Drive, looking northeast towards Woeste Road; a portion of Racetrack Road that goes onto Woeste Road; and in the middle of Woeste Road looking southeast towards Racetrack Road. Mr. Klear showed a slide of the existing traffic pattern where Woeste Road intersects with Racetrack Road, and the existing street pattern within the Parkside Subdivision on Sugarmill Drive. A separate slide showed the new traffic pattern with the removal of the portion of Woeste Road that has been requested to be discontinued. There is a new phase of Parkside Subdivision that the grading has already begun on which, when complete, there will be a new street system and he showed a slide of this new part of the street system. He noted that there would then be two means of access to Parkside by use of a new three-way intersection.

Mr. Klear then read the report from the Viewers who were Ken Knipper, Director of the Office of Emergency Operation, and Lt. Col. Keith Hill, Campbell County Assistant Police Chief. The report stated that the Viewers believe the closure of Woeste Road between Parkside Drive and St. Rt. 824 (also known as Racetrack Road) would not result in any inconvenience to normal

traffic flow or to residents who currently live adjacent to Woeste Road. In addition, the access to the development as proposed by the developer is a better solution than leaving the existing section of Woeste Road in place. The Viewers concluded that they found no reason to deny the discontinuance of Woeste Road between Parkside Drive and St. Rt. 824.

Mr. Klear then read the report from Ken Schultz, Director of the Road Department. Mr. Schultz's report stated that in addition to Mr. Knipper, Lt. Col. Keith Hill, and Peter Klear, Scott Hiles, Deputy Director of Engineering Inspection Services for NKAPC, and Dennis McDonald of Sun Valley Real Estate were also present. Mr. Schultz's report concurred with the findings of the Viewers in recommending the closure of Woeste Road between Parkside Drive and St. Rt. 824. Mr. Klear concluded his presentation and turned the public hearing over to Judge Pendery.

Judge Pendery then invited anyone from the public to make comments on the issue. Doug Geiman, of 11274 Sugarmill Drive, Alexandria, Kentucky, addressed the Court. Mr. Geiman stated that he was a representative for many people in attendance at the meeting, who had signed a petition against the closure of Woeste Road. He stated that many residents have concerns about existing problems, excessive speed in a 20 mph speed zone, and excessive amounts of construction traffic. He believes that if a portion of Woeste Road is discontinued, the construction traffic (tri-axle trucks, cement mixers, etc.) would have no way to get to their sites except by going to Racetrack Road and diverting to Sugarmill Drive, since the first section of the new development is in the northeastern corner away from Racetrack Road. He also asked why the County was asking to close this portion of Woeste Road. He stated that foresight tells you that Woeste Road will soon be a north/south corridor between the new U.S. 27 and an intersection at Woeste Road and U.S. 27 and Reiley Elementary, which would be directly south to Racetrack Road at that corner. If residents continue to take U.S. 27 to Woeste, then Woeste to the intersection of Racetrack Road, it will be 2 miles with the closure of Woeste Road, compared to .08 of a mile without the closure. The residents prefer to continue to be able to take the short cut. Mr. Geiman pointed out that a lot of the traffic that currently takes Racetrack Road to U.S. 27 as it is today, and a good percentage of that traffic will utilize the north/south corridor which will be created in 2-3 years with the completion of U.S. 27. If the small section of Woeste Road is terminated, the only way for that traffic to get to Woeste Road, and to save time, would be to filter through a residential community. With all the children, kids on bicycles, parents pushing strollers, there would be many more safety concerns. By maintaining Woeste Road as it stands today, there is not one resident who has a driveway, there are no sidewalks, and there is no pedestrian traffic that would be impacted if the north/south corridor is allowed to remain. There are 25 homes on Sugarmill alone, with over 30 children who live in those homes. These residents' children are riding their bikes and skateboards, playing in their yards. There will be a constant traffic congestion problem, if Woeste Road is closed down, but if it remains open, the problem will not exist because it is a thru-way that impacts no one. It may inconvenience a few residents in their backyards, but those residents have the ability to put protective fencing or trees or bushes up. On Sugarmill Drive, the future extension of Parkside Drive, and Creekside (which will connect to Racetrack Road), there are more than 50-60 houses that will be impacted by the traffic flow. He requested that the County reconsider the proposal to close a portion of Woeste Road. He believes that by closing a portion of Woeste Road, the County is putting the residents' children and adults in harms way. He gave an example of an instance where a park has been detrimental to a community, which is Lower 8 Mile, which is now Eight Mile. Before Pendery Park was constructed, very little traffic, other than the residents of Eight Mile, traveled that road. Now with the Park there, the residents have had a continual increase of traffic, primarily in the

evenings from parents getting their children to and from the Park for sports games. He requested the County consider the safety of the community. He then presented a petition to the Court, which had been signed by all but 2 residents on Sugarmill Drive, and by a good majority of the residents along Parkside Drive who have felt the negative traffic flow in Parkside Subdivision since its creation. He believes that by keeping Woeste Road open, the community will be safe.

Judge Pendery thanked Mr. Geiman for his input. He pointed out that it was not the County that started the process of closing a portion of Woeste Road, but rather another group who is interested in the closure. This is just the procedure that the County has to go through after recommendation of a closure. The County reviews the Viewers recommendation and conducts the hearing, after which there is a first reading of an Ordinance to consider approving the road closure and a second reading of the Ordinance to vote on approval or disapproval. He reminded everyone that there would not be a vote on the Ordinance at this meeting. He then asked if there was anyone else who would like to speak on this issue.

David Utz, of 11269 Sugarmill Drive, Alexandria, Kentucky, then addressed the Court. Mr. Utz stated that when he and his family moved to Sugarmill Drive, there was no construction going on. They picked the site because it was a beautiful community they felt they could raise their small children in, after leaving a site in Ft. Thomas where people would speed up and down their road in a 20 mph zone. He believes Sugarmill Drive does not need to be a road with a lot of traffic and that would happen if the section of Woeste Road is closed.

Dale Torline, of 11275 Sugarmill Drive, Alexandria, Kentucky, then addressed the Court. Mr. Torline stated that the developer had shown several residents what they were going to do with the back section and what is confusing to him is that the developer said it was the County that wanted to close the road because of maintaining the cost of it, but it sounds like the Court is saying it is owners of the property who want to close the road. Judge Pendery stated that the Highway Department is interested in closing the road as part of the overall study of flows, and what will result after U.S. 27 is reconstructed. Mr. Torline stated that all construction traffic has been asked to use Racetrack Road for their entrance and exit to the construction sites. With the new section going in, if the construction traffic is requested to continue to use Racetrack Road, they will have no choice but to go down Sugarmill Drive, which means he will see all of the construction traffic if the portion of Woeste Road is closed. His section of Sugarmill Drive is under construction, so he sees a lot of cement trucks doing 30-40 mph, and a cement truck is not going to be able to stop quickly. He stated that the developer had indicated that it would be many years before the whole development of the 200+ houses is complete, so construction will continue for years. He asked the Court to reconsider closing the portion of Woeste Road that has been requested.

Gail Schnitzler, of 10961 Woeste Road, Alexandria, Kentucky, then addressed the Court. He stated that he has lived on Woeste Road for the last 45 years, and his residence adjoins the property that is being graded off right now. He can see a lot of problems with closing the portion of Woeste Road that is being requested. He uses the road more than any other in the area to go in and out. He believes there will be a lot more problems at the area with stormwater, since the culverts already underneath Parkside have flooded in the past, backing up water on Woeste Road. When all the new houses get built, it will block all of Woeste Road if something isn't done about the culverts. He told developers before the subdivision went in that they were going to need to build a bridge there because they didn't know how much water would be coming in.

He feels that every culvert from Craft Road on down is undersized. If the portion is closed off, he believes he will get no service where he lives and will be a second-class citizen. He is dead set against closing off the portion of Woeste Road.

Judge Pendery then asked if any of the Commissioners had any questions or comments. Commissioner Otto asked Chief Sandfoss if he was aware of any significant accident statistics for the area in question. Chief Sandfoss stated the area is not considered to be a high risk area for accidents. Commissioner Otto then asked if anyone was present from the developer's company. He noted the Commissioners and Judge had received a letter from Sun Valley stating that the reasons for the request of the road closure were safety, poor conditions, severe grade, poor drainage and site distance, but the letter really did not give him a clear understanding.

Joe Kramer, on behalf of Sun Valley Real Estate, then addressed the Court. Mr. Kramer confirmed that Sun Valley Real Estate had initiated the request to close a portion of Woeste Road. He stated that Sun Valley's reason for requesting the closure was that Woeste Road is a very narrow road (15-20 ft.). Also, with the new highway construction, the outlet of the new interchange will have a lot of traffic trying to make the pass-through. As the developer, they have an opportunity to improve this portion of Woeste Road and make it a better road, because the State will not improve the road. Judge Pendery stated that the State has taken on the task with the new location for U.S. 27, that they wanted to discourage through traffic in this area and they liked the idea of closing Woeste with that in mind. Mr. Kramer advised that that was correct, and Sun Valley had looked at opportunities to revise the State's project, but they could not make it happen. He believes that what the State is thinking is that they have a State-maintained road in Racetrack Road, which is called that for a reason. It is a 35 mph road and will be resurfaced this summer and that is where they expect the traffic to go. The safety issues are very significant in this area if you're trying to push all the traffic through Old State Road. Judge Pendery asked Mr. Kramer what his impression was of the State's position on this issue, noting that he believed the State thought Woeste Road was a potential safety issue and did not want to spend the money to create another problem. Mr. Kramer stated that that was correct. Mr. Kramer also stated that the construction traffic does come through Parkside and he and Mr. Klear have had conversations regarding that fact and that Sun Valley's job would be shut down if the traffic continued through the subdivision. The day-to-day construction on Sugarmill will continue for some time. If the portion of Woeste Road is closed down, it will still be open for construction traffic. It is anticipated that Woeste will be blockaded, but Sun Valley will have the right to bring in their heavy equipment.

Mr. Klear stated that the County had recently completed the Transportation Plan that pertains to all County roads, and Woeste Road was one of the top three roads on the list of priorities for conditions that need to be address. With the new intersection at U.S. 27 and Craft Road, the intersection where Craft intersects U.S. 27 now, will be terminated and become a cul-de-sac. A new intersection will be created with a potential of drawing traffic elsewhere. As Woeste Road continues southeast, it narrows down to 15 feet and in some places 12 feet. When that was looked at, there is a safety concern of the road narrowing. At 15 feet it is difficult for one lane of traffic in either direction, and at 12 feet it becomes only a one-lane road. The State recognized that their responsibility would end with Rt. 824. When the developer proposed development along a County road that does not meet current County standards, the developer is required to make improvements to that road for their portion. The developer in this case would be required to make a partial improvement to Woeste Road between Parkside Drive and Racetrack Road.

The developer's improvements would not encompass all of Woeste Road. The County has the opportunity, working with the State for that improvement, to terminate part of Woeste Road, by having the developer improve two key intersections at Parkside Drive and Racetrack Road. Racetrack Road currently is a curve, but will be replaced with a new three-way T-intersection. Mr. Klear also pointed out that the County Road Transportation Plan indicated that more accidents occurred on Racetrack Road prior to or around the intersection because of that curve. He believes that the creation of the new three-way intersection will help to alleviate some of those accidents.

Mr. Douglas Geiman then re-addressed the Court. He stated that the northwest corner of U.S. 27 at issue in Mr. Klear's slide presentation is Reiley Elementary and U.S. 27 will connect with Woeste Road. He stated that if you look at Craft Road, it is not a desirable pattern the way it exists today, but it becomes a desirable pattern if it intersects with U.S. 27. It would be a straight shot for people to go to U.S. 27 South to Racetrack Road. The hill on Racetrack Road is within the developer's property. Mr. Geiman stated that he had attended meetings of the Cold Spring Planning & Zoning Commission and learned that both Fischer Homes and Drees Homes have been forced to improve city and county roads in order to get their developments approved. If the State improves Woeste Road to Craft Road, they will only be improving approximately two-tenths of a mile. If Sun Valley Development improves its portion from Racetrack Road to the area of Mr. Schnitzler's residence, that would be approximately four to five-tenths of a mile. That would leave the County with a burden of approximately two-tenths of a mile to improve the road to standards. He believes that once U.S. 27 gets improved, the intersection gets installed, and future development takes place, the indication is that there will be heavy increases in traffic. The improvement of Woeste Road will allow the County, the State and the community to budget and let this traffic get through their communities, but not into their communities. By closing Woeste Road, the traffic will go into their communities. He believes that by improving Woeste Road, the County will improve the safety for the communities and the people going to and from the park and home. He asked the Court to consider the traffic pattern that will exist 5-10 years from today, and not just what the pattern is today.

Another citizen then addressed the Court. He commented that he is concerned about the traffic of the development when the houses are built. He questioned whether someone would be on site to open the gates up to let the plumbers, dozers and cement trucks in. He understands the developers will use this road for Sun Valley's big equipment, but what about when Sun Valley is done and the lots are being sold and houses built. He believes that construction traffic will go down Sugarmill and through Parkside, because they won't go down Woeste. Judge Pendery stated that his assumption was that if the lots are being developed, there will be roadways for traffic and the construction traffic would not want to go down Sugarmill, but rather into the subdivision where they are going to build. He stated that the first section will be in the north area right next to Woeste. Mr. Kramer stated that he believes the concern deals with the construction traffic coming through to where Sun Valley's starting point would be. Mr. Kramer stated that, unless the County has any concerns, he did not see why Sun Valley could not leave the area of Woeste Road open, since they do not intend on taking the pavement out at this point, and he feels there is no reason why they could not work out some type of temporary construction entrance through that area. However, as far as policing it, Sun Valley would not be able to do that. The citizen asked if Mr. Kramer would then recommend leaving Woeste as it is until the whole loop is completed, which should be a long while. Mr. Kramer said Sun Valley could certainly do that. Judge Pendery stated that he understands that the citizens are concerned about

the safety perspective of this issue, but his understanding from the Highway Department and others has been that they don't want a through-road going right through the middle of one of the biggest subdivisions in Campbell County, which is why they want to eliminate the section of Woeste Road in question to encourage drivers to go another way out of the subdivision. Judge Pendery believes the citizen's assumption is totally the opposite of that, by assuming that this closure would bring drivers to come through their neighborhood.

Mr. Joe Sparks, of 11220 Doubletree, Alexandria, Kentucky, then addressed the Court. He stated that he believes that the County will have a through road whether it likes it or not, and the question is whether it will be on Sugarmill Drive or Woeste Road. He stated that, if the developer improves the corner where Chief Sandfoss stated the accidents mostly occurs, and makes a three-way or four-way intersection out of it, that would be an improvement over traffic trying to get out of Sugarmill Drive onto Racetrack Road. He believes it will be very difficult for traffic to get out of Sugarmill Drive onto Racetrack Road, but with a natural intersection at the bend that could be established and maintained, this would not occur. He also stated that at the front of Parkside, a new church is being constructed, and at certain times there will be a large congregation trying to exit Parkside, which will re-route much traffic that is on U.S. 27 and wants to avoid the back-up, down Woeste and Sugarmill.

Mr. Kramer then stated that in order to slow down the traffic and make the three-way intersection, one of the things Sun Valley would like to do is to encourage some type of connection to the parks. This would involve road crossings and sidewalks, which Sun Valley is working with the Highway Department on to get permission. Sun Valley does not believe that they will get this permission, however, on a through-road that dies down to a 15 foot road. A three-way intersection would certainly help in this regard and would assist in encouraging use of the park areas.

Judge Pendery then asked if there was anyone else who would like to address the Court. There were none. He reiterated that there would be a first reading of the Ordinance on this matter at the Fiscal Court meeting to be held immediately following this Public Hearing, and a second reading and passage consideration at the next scheduled Fiscal Court meeting. He declared the Public Hearing closed at 6:17 p.m.

Judge Pendery then proceeded with the Fiscal Court meeting.

Judge Pendery presented the minutes from the Fiscal Court meeting of June 2, 2004. It was moved by Commissioner Rehtin and seconded by Commissioner Otto that the minutes of June 2, 2004 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery next asked if there were any public officials or citizens in attendance at the meeting who desired to address the Court. A citizen inquired as to when Item No. 7 on the Agenda would be brought up. Judge Pendery explained that that Item would be dealt with shortly under Old Business and, assuming citizen comments were in bounds with the law, they would be permitted to address the Court.

Judge Pendery then requested items of Old Business be brought before the Court. He explained that there had been a Public Hearing conducted by the Planning & Zoning Commission on Ordinance O-13-04, which is a text amendment to the Zoning Ordinance. The procedure that the

Court follows, so as not to undercut the Planning & Zoning Commission's work and to stay legal by statutory interpretations, is that during the Public Hearing the comments by citizens are heard and that information is then forwarded as part of a record that is created by the Planning & Zoning Commission to the Fiscal Court along with their recommendation on the issue. The Court does not hold an additional hearing for public input. It reviews the record and if it has any questions or comments, those can be addressed; however, there is no further public input that the Court allows prior to deliberating. In an issue such as this, there are various parties who have pros and cons on the matter, and if the Court allowed further time for input to one party, the other party is deprived of their chance to speak. He stated that any comments on Ordinance O-13-04 would have to be of a certain variety, or it would be disallowed.

County Attorney Justin Verst stated that he had received a packet of information after the last meeting of the Fiscal Court from Ms. Connie Reinert and he reviewed the packet at length. He spoke to Ms. Reinert today and explained to her that her packet contained various discussions and comments upon the material that was presented at the Public Hearing and how that material was then contained within the minutes of the Planning & Zoning Commission Public Hearing, and explained that he did not find anything in her packet that was much different from the material that was presented at the Public Hearing. He advised Ms. Reinert and citizens present at the meeting that he did not pass that information on to the Fiscal Court members, because he felt it would not be appropriate. He stated that the Fiscal Court is somewhat like an Appellate Court in hearing this type of case. It does not have a second trial. Just as an Appellate Court reviews a case that is appealed to it, it makes a decision based upon what happened at the trial court. The Fiscal Court is required to just review the record from the Public Hearing before the Planning & Zoning Commission and base their decision on that record without having another trial or hearing. The Fiscal Court is prohibited by Kentucky law to receive any additional public input or try the case again by having comments from any of the parties involved. The Court's decision needs to be based upon the record that is presented to it.

A citizen then asked Mr. Verst what statute he was referring to. Mr. Verst responded that he is referring to the Planning & Zoning laws, Chapter 100. The citizen asked if there was a specific statute. Mr. Verst responded that he did not have the specific subsection number. The citizen stated that he would like to point out that on May 21 in the Fiscal Court meeting, Mr. Klear said that in issues related to land use, if it was a land use case and a text amendment to the Zoning Ordinance was to be made, a public hearing would have to be held and then a text amendment would be presented to the Court for approval. This would create three opportunities for the public to give their input. Judge Pendery advised the citizen that the context of that discussion was slightly different. What he was trying to get across to citizens at the last meeting was that the issue of a text amendment is a general matter where there is a separate consideration as to whether there would be a highway commercial zone change approved for the party who wants the service station. Judge Pendery sees the issue before the Court at this meeting is that in an agricultural zone, people typically have a right to apply for a zone change, and with the mining overlay that exists in this particular zone, if there is not a text change made in highway commercial and probably other potential zones, they would not be allowed to have a zone change simply by virtue of the fact that it would infringe on the right of the mine operator. The text amendment, if it were passed at this meeting, does not stand for the proposition that the person who wants to put in the service station will be permitted to do so. What the issue is at this meeting is whether it is possible to get a zone change when there is a mining overlay. Judge

Pendery stated he believes that is a separate issue from the issue which might concern some of the citizens present, that being will this person be allowed to have a highway commercial zone and put in a service station. When this was discussed at the last Fiscal Court meeting, it was pointed out that there will need to be another hearing on the subject of whether the gas station is permissible at the Planning & Zoning level, which would involve another record being created that would be submitted to the Fiscal Court on that particular issue.

Another citizen asked if there would be three opportunities at that time for the public to speak. Judge Pendery stated that there would be another opportunity beyond the original hearing on the text amendment that will deal specifically with whether a service station would be permitted. The citizen asked if there would be another public hearing if a person applies for highway commercial for that piece of property. Judge Pendery advised him that there would be another public hearing. The citizen asked if there would be an opportunity for public input at that public hearing before the Fiscal Court voted on the matter. County Attorney Verst explained that there would be a public hearing before the Planning & Zoning Commission as to whether to change the zone from agricultural to highway commercial, and that public hearing would be the public's opportunity to give their input concerning the issue. The Planning & Zoning Commission would then follow the same procedure, by making a recommendation to the Fiscal Court, for a first reading of an Ordinance, and then for a reading and vote at the second reading of the Ordinance. In addition, there would need to be an application to have the industrial mining overlay on top of the highway commercial zone. As it stands now, it is permitted just on top of the agricultural zone. The purpose of the vote tonight is whether the industrial mining overlay would be permitted, not only in an agricultural zone, but also in a highway commercial zone. There would still be two more steps to go through, even if the Ordinance would be approved at this meeting. The citizen then asked if this would go on to the NKAPC, or if Mr. Klear was basically part of that. Judge Pendery advised that Mr. Klear is a Campbell County employee and the NKAPC people are consultants or contractors who provide information to the Court to make their jobs easier. They also provide recommendations based on their expertise.

Mr. Tony Brinker, who represents Maria and Jeff Baynum who are property owners on Ivor Road, stated that he had given County Attorney Verst a three-page letter at the end of the last Fiscal Court meeting, asking him to turn it over to the Commissioners and the Judge Executive, because he believes there are some grievous flaws in the record from the initial public hearing and the Fiscal Court has had some erroneous facts put before them. He stated that his letter addressed those facts and Mr. Verst was going to peruse that letter and send it on. Mr. Verst advised that he did review Mr. Brinker's letter in the same process as the packet of material from Ms. Reinert, and he believed it was more argument as to what was presented at the public hearing versus saying something in the record was one hundred eighty degrees wrong or different from what was actually presented at the public hearing. That letter was not turned over to the Commissioners or Judge either. Mr. Brinker stated that he thought that what a citizen was not allowed to do was to present additional evidence or facts, but if they were trying to clarify the record, that would be what a supplemental paper is for. Mr. Verst stated that the Court has three options when they get a record from Planning & Zoning. One, which is the option the Court has always employed, is not taking any additional input, but basing their decision on the record of the Planning & Zoning public hearing. Another would be to hold another public hearing, which defeats the purpose of holding a public hearing before Planning & Zoning Commission, which the Court normally does not do. Last would be to allow arguments based

upon what was presented at the public hearing, which the Court has not done in the past. Mr. Brinker asked what the remedy would be for a citizen if they had no notice of Planning & Zoning's recommendation and reasoning ahead of time prior to the initial public hearing, and only gets Planning & Zoning's theory of the case at that particular time and feels that Planning & Zoning has dropped the ball. Mr. Verst stated that a citizen has the obligation, if they have interest in the issue, to contact counsel or to make themselves aware of what the issues are prior to the public hearing and give their input then. Mr. Brinker asked how a citizen would get notice of Planning & Zoning's position, recommendations and reasonings prior to the public hearing. Mr. Verst stated that a citizen could contact the Director of Planning and Zoning and he could give those to them.

Another citizen then asked if there was anyone affiliated with the Fiscal Court who was also affiliated with it in 1982 when the IM overlay zone was put into place who could educate the citizens present as to why the IM zone only entailed agricultural, as opposed to other possibilities. County Attorney Verst stated he was affiliated with the Fiscal Court in 1982, but had no knowledge or recollection on the issue. Judge Pendery stated that often in Planning & Zoning matters, just because there are implications out of a change such as this, there are not always sweeping changes made as a result. One possible explanation would be that someone might have realized at the time that this just applies in an agricultural zone, and rather than give up the leverage the Planning & Zoning body would have and say there is a logical inconsistency and text amendments should be done all the way around, they may have decided not to give up that leverage. The citizen then asked if it would try the patience of the Court for her to ask three more questions. Judge Pendery welcomed her to continue. She stated that, in order to educate herself for future reference, she would like the Court's definition or answer as to what the purpose of zoning laws is in Campbell County. Judge Pendery stated that there is a fundamental ambiguity where in a lot of areas of the County, people want to be left alone, and they want to see agricultural and green space preserved. The ambiguity comes because, unless there is planning and zoning, that will not and cannot happen, when development pressure comes around to that area; for instance, if you have a sanitation plant coming on line or if you have population growth in an area. There has essentially been a moratorium on growth in the south end of Campbell County, versus the other northern Kentucky counties, without there being sewer capacity. What happens is that people resist the idea of planning and zoning because they don't want to be told what to do, but they need to see that without planning and zoning there is not going to be preservation of agricultural or green space uses. To further complicate things, there are people who have worked all their lives on a farm and they reach a certain point in their lives that their children are not interested in farming and it is too hard to make a decent living, and their retirement is to sell the farm. They may have been fighting tooth and nail to avoid encroachments by business and by residential development, and then they find they have to look out for the best interests of their family, which calls for them to sell the ground. If there is no planning and zoning and there are no restrictions, those people may find anything going in in that area. The ambiguity needs to be reconciled, in order for people to see that planning and zoning is important in order to control healthy growth, and there needs to be greater input from people into the planning and zoning process. There is a Comprehensive Plan review that is done periodically, and the Fiscal Court acted two ways to try to have a greater voice from the people in the south end of the County. It reorganized the representation on the Board so that a majority of people appointed by the Fiscal Court would hold sway on planning and zoning. Previously, there were eight members appointed from four small cities and only three members appointed

from the County. In the Comprehensive Plan review, the Court also brought in an advisory panel of 15-16 people all drawn from the unincorporated south end of the County and gave them full voting rights to try to decide how planning and zoning should be structured going forward. Even though there were some of the strongest preservationists in the County in that group, this same ambiguity was present. The citizen then asked for the definition as to what the purpose of the Comprehensive Plan is in Campbell County. Judge Pendery explained that the Comprehensive Plan is where they see the County going. The planning and zoning map reflects where the County is. Anyone who wants a change in the zoning map must conform with the Comprehensive Plan in order to get an approval, and that creates some leverage from the planning and zoning people when a plan is submitted to have requirements met. The citizen then asked if it was going too far, or over the boundaries, or out of line, to pursue legal recourse against the Planning & Zoning Commissioners as individuals or as a body when they vote in direct, absolute contrast to what the Comprehensive Plan says, especially considering the fact that it has been developed with lots of public money backing it with the ultimate in goals and views. She also asked if this was not the case, would there be legal recourse. County Attorney Verst stated that the citizen should contact her own private attorney and speak to them about that, noting that any decision by the Fiscal Court can be taken to the Circuit Court. She then asked if they would do that as individuals, noting the individuals they felt were very remiss in their duty to planning and zoning, or would they do it against planning and zoning as a commission. Mr. Verst again stated that she should speak with her private attorney.

Another citizen then asked if the Court knew when the sub-surface mining permit was issued and who the permittee and permitor were. Mr. Klear explained that Planning & Zoning does not issue those permits. The citizen stated he realized that, but there had to be a permit issued and again asked if anyone knew when. Mr. Klear stated that a permit would be issued only if the applicant wanted to exercise those rights. The citizen asked if Mr. Klear was sure about that. Mr. Klear stated that was generally how it was handled. The citizen then stated that when a permit is issued by the State, there is documentation filed concerning mineral strata, the depth of the sub-surface mining permitted, and other geological data. That data, when assembled when the original permit was issued, had to be at least 20-25 years old. In speaking with a geologist, he understands that data can change over a period of years. He thinks it would behoove the Fiscal Court to study such a permit and documentation before making a decision on this Ordinance. There could possibly be a catastrophic occurrence with a collapse. County Attorney Verst stated that this Fiscal Court could make its recommendation based on the record presented to it. It cannot, and should not, go out and do its own investigation. The citizen asked if the Fiscal Court made its decisions without investigating what they are deciding about. Mr. Verst stated that the Fiscal Court has to, by law, base its decision on the record presented to it from the public hearing before Planning & Zoning. The citizen stated that if the Court does that, he would think there would be a degree of negligence involved if some future catastrophic occurrence happened, and the Court could possibly be held liable jointly and individually. Mr. Verst stated he doubted that would be the case, but whether we like it or dislike it, that is what the law is.

Ms. Williams then presented for second reading and passage consideration Ordinance O-13-04, which she read by title and provided a summary. She explained that this Ordinance amends text of the Zoning Ordinance, Article X, Section 10.25, to allow the Industrial Mining Overlay Zone in the Highway Commercial Zone. The Ordinance is recommended for approval by the Planning & Zoning Commission. She stated that Peter Klear, Director of Planning & Zoning, was present

to answer any questions. Judge Pendery stated that he believes this Ordinance does not have to do with whether anyone will be permitted to put a service station in this particular area, but rather has to do with logical consistency in whether it is possible to get a zone change at all when there is a mining overlay. He believes that the property owners in agricultural zones would be adversely affected if the Court were to say otherwise. Commissioner Otto commented that the minutes from the Public Hearing and Planning & Zoning meeting are the only record the Court can go by and, based on that record, he believes the Court has to concur with their finding. There being no further discussion, Commissioner Rechten made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery then read a Proclamation proclaiming June 30, 2004 as Paul H. Twehues, Jr. Day in Campbell County in honor of his retirement from the County Attorney's Office, and thanked Mr. Twehues for his many years of great service to Campbell County and the Fiscal Court. The members of the Court congratulated Mr. Twehues. Mr. Twehues thanked the County and the Fiscal Court for the Proclamation and stated that he had enjoyed working with the Fiscal Court and with Mr. Verst over the years. Mr. Garry Edmonson, who was present at the meeting, requested he be permitted to make a few comments regarding Mr. Twehues. He stated that he would be remiss in pointing out that Mr. Twehues has been of great service statewide, and was a mentor to him when he became a County Attorney ten years ago and on behalf of all the other County Attorneys, he thanked him for his dedication over the years.

Judge Pendery next requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was a first reading Ordinance O-14-04, which she read by title and provided a summary. She explained that this Ordinance discontinues a portion of Woeste Road (formerly known as Old State #4), which is located between Parkside Drive and Racetrack Road, as a County road per KRS 178.070, and authorizes the necessary legal action to terminate right-of-ways and easements. A public hearing was held on this matter prior to this Fiscal Court meeting to obtain citizen input and hear reports from the appointed Viewers. Ms. Williams stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Ms. Williams next presented Resolution R-63-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the renewal of two-year agreements for towing and recovery services for the Campbell County Police Department Wrecker Rotation List and authorizes the Judge/Executive to execute the necessary agreements between Silver Grove Motors, Seibert Auto Service, Dempsey Towing, Rees Hardy Towing, and Ed Krift Body Shop. She noted that Chief Sandfoss was present to answer any questions. There being no further discussion, Commissioner Rechten made a motion and Commissioner Otto seconded, to approve Resolution R-63-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-64-04, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the Judge/Executive to execute a joint outsourcing agreement with Global Business Solutions for IT Maintenance for the Campbell County Fiscal Court, Campbell County Clerk, Campbell County PVA, and Campbell County Sheriff for fiscal year 2005 in the amount of \$4,000 per month with 70% to be paid by the Fiscal Court, and 30% shared by the Clerk's office, the PVA's office and

the Sheriff's office. She noted that Andy Kuykendall, IT Director, was present to answer any questions. Commissioner Rechtin asked if the sharing would be based on the number of units that each department has. Mr. Kuykendall stated that that was correct. Commissioner Rechtin also inquired as to the equipment at the Clerk's office, which is owned by the State. He asked if this agreement would involve Global doing any of the work on the equipment there. Mr. Kuykendall responded that if there were hardware issues, Mr. Snodgrass would handle those repairs, but their maintenance of accounts, printer issues, or any other minor issues, would be handled through the Clerk's office, the Sheriff's office and the PVA's office and would come out of their budgets. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-64-04.

Ms. Williams then presented Resolution R-68-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Judge/Executive to execute a joint application with Kenton and Boone Counties for a Homeland Security Grant in the amount of \$7,000,000 to provide for interoperability between communication systems. She noted that Ken Knipper, Office of Emergency Operations Director, was present to answer any questions. Commissioner Rechtin asked if this application would create interoperability with Cincinnati or Hamilton County. Mr. Knipper responded that it would have the capability of doing so, but is primarily a microwave system that will tie the three local dispatch centers together. To actually put that capability into place would cost approximately \$40,000,000. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechtin seconded, to approve Resolution R-68-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Resolution R-69-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Judge/Executive to execute Emergency Shelter Grant Program Agreements with the Kentucky Housing Corporation for 2003 and 2004. She stated that this is a joint application that Campbell County entered into with Boone County, along with seven other counties. The funds have been received, but Boone County is now requesting that the counties individually sign the contracts, since they use the funds for different purposes. The State has also required Campbell County to sign a contract for 2003. She noted that Pat Dressman, Human Services Director, recommends the execution of these agreements. Commissioner Rechtin inquired as to the reason Boone County had requested the agreements be signed individually. Ms. Williams stated she was not exactly sure, but believed it was because the funds were allocated differently by the individual counties. She stated she would verify these facts with Mrs. Dressman. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechtin seconded, to approve Resolution R-69-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Resolution R-62-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes a 5% cost-sharing of medical insurance premiums by eligible Campbell County Fiscal Court employees and Detention Center employees for fiscal year 2005. There being no further discussion, Judge Penderly made a motion and Commissioner Rechtin seconded, to approve Resolution R-62-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Resolution R-65-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution amends the Tuition Reimbursement Policy of the Fiscal Court, to increase the amount of the tuition assistance, allow for online courses at accredited universities, allow for reimbursement based on a passing grade, and to make no limit to the number of employees who apply for the benefit. She noted that Robert Horine, County Administrator, was present to answer any questions. Commissioner Rehtin commented that he believes the changes in this policy are a good idea. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve Resolution R-65-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to approve a salary adjustment for Michael Coppage from Patrolman Grade II (\$34,545, Grade 10A) to Patrolman Grade II (\$36,816, Grade 11A) as recommended by Chief David Sandfoss, and in accordance with the FOP Agreement, effective June 27, 2004. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to reappoint Wayne Carlisle to the Northern Kentucky Regional Convention Board for a four-year term, effective July 15, 2004 through July 14, 2008. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Dr. James Votruba to the Tri-ED Board of Directors for a three-year term, effective July 13, 2004 through July 12, 2007. Judge Pendery noted that Wayne Carlisle is central to the life of the community in Campbell County, but his term is up, and for the County to have someone available of Dr. Votruba's caliber and his willingness to serve is a great opportunity. Both of these gentlemen are to be commended for their past and present service. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then next requested a motion to reappoint Don Girton to the Campbell County and Municipal Planning and Zoning Commission for a four-year term effective July 1, 2004 through June 30, 2008. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine, County Administrator, presented Resolution R-56-04, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the Judge/Executive to execute a contract with Whalen Inc. for construction of the Campbell County Restrictive Custody Center in the amount of \$773,354. Bids were received on June 2, 2004 for this project, and the bid of Whalen, Inc. was deemed to be the lowest and best bid. The architects for the project, Brandstetter Carroll, have worked with Whalen Inc. over the past two weeks to reduce the original bid amount to the amount included in the resolution. He noted that Jim Daley, Chief Deputy of the Detention Center, who has been involved with the project, was present to answer any questions. Commissioner Rehtin asked what had to be taken out of the original bid in order to get the

reduction that was received. Mr. Horine requested Mike Carroll of Brandstetter Carroll Architects to address Commissioner Rechtin's inquiry. Mr. Carroll stated that the largest chunk of the reduction was able to be made by changing from a pole-built facility to a more conventional building. This saved roughly \$90,000. The height of both the dormitory and training buildings was lowered by 2 feet to save a considerable amount of money. Commissioner Rechtin then asked Mr. Carroll if, in order to be fair to the other bidders, when they negotiated with the low bidders, did they offer the opportunity to the other bidders to come back and re-bid on the new specs. Mr. Carroll stated they did not offer the opportunity to the other bidders, noting that the statutes allow negotiation with the low bidder, and if a mutual agreement cannot be reached, the second bidder could then be pursued. Commissioner Rechtin inquired as to whether it would have been possible that some of the other vendors could have supplied a lower bid. Mr. Carroll stated that the next bidder was already \$80,000 more than the low bidder, so the assumption was that we would not get as much of a lower bid. Commissioner Rechtin asked what the exterior clad of the building was at present. Mr. Carroll responded that it was a metal skin, with the ability to provide a masonry finish. Mr. Daley commented that there are often many inmates with different trades, many of them very good at their particular trade, and the concept is that when those people are there, they hope to be able to use them to perform quite a bit of the extra work to put the building up. Judge Pendery noted that the building would be constructed in such a way that the façade will be possible to cover the metal. Commissioner Rechtin then asked if this was a temporary structure, why would we accommodate a brick veneer. Mr. Daley stated that he suggested this because he thought it would look nicer, even if it is temporary. He stated that some checking had been done, and it is possible to obtain some inexpensive, if not free, materials and free labor. From seeing some of the churches in the County that have been built in this style of building, he believed it would be nice to be able to bring the footers out a little bit, so they could go back and put some brick veneer on the outside to dress it up a little bit. The structure will be next to the District Court and the Juvenile Center, which have the concrete or brick construction. Commissioner Rechtin asked Mr. Carroll what type of architectural exterior elements would be used to blend in to what Mr. Daley described. Mr. Carroll stated that the issue was primarily color and that they would be able to provide materials to match closely with the colors that are already there. He also stated that they have tried to develop some details around the perimeter of the fascia in order to make it not look like the metal building that it really is, and they have tried to keep an economical approach to the building. Commissioner Rechtin stated that it would still be an \$800,000 economical building, which is an expensive building. He asked what makes the building so expensive. Mr. Carroll responded that it is a building constructed with prevailing wages, with tap fees, with set utilities for parking, and probably is only a little more than half the cost of a conventional building. If you were to build this building with conventional masonry or a steel frame type building, you would be close to twice the amount. Mr. Horine pointed out that the County was required to meet the building code requirements for a corrections facility, which includes providing a sprinkler system, which was also a significant cost factor in this project. Commissioner Rechtin inquired as to the cost of the sprinkler system. Mr. Carroll stated the sprinkler system would cost approximately \$40,000, and around \$15,000-\$20,000 for outside meters and other outside work. He also pointed out that the tap fee just to tap into the sanitary sewer will be \$23,000. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve Resolution R-56-04. Commissioner Rechtin requested a roll call on the vote. Judge Pendery voted "AYE," Commissioner Otto voted "AYE," and Commissioner Rechtin voted "NO." The motion passed by a majority vote.

Mr. Horine next presented Resolution R-66-04, which she read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes the Judge/Executive to execute necessary documents relating to the awarding of a contract to Brandstetter Carroll Architects, Inc. for architect services for the County Administration Building and for the multi-phase improvements to the Campbell County Detention Center. He pointed out that the fee for the architect would be 7% of the construction cost, and language was included to clarify that the County would not be charged for the cost of change orders that might occur as a result of errors or omissions of the architect. On the Detention Center project, Brandstetter Carroll would be teaming up with DLR Group out of Orlando, Florida, which is a preeminent contractor/designer of criminal justice facilities around the country. He noted that Mr. Carroll will serve as Project Manager on both projects. Commissioner Rehtin stated that he would be voting in favor of this resolution and the motion to follow due to the fact that they include the new County Administration Building. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve Resolution R-66-04. All voted "AYE" and the motion passed unanimously.

Mr. Horine next requested a motion to authorize staff to advertise for bids for the purpose of obtaining construction management services to oversee the construction projects relating to the multi-phase improvements for the Campbell County Detention Center expansion and the new County Administration Building. He noted that there are a number of methods that can be gone through to actually deliver a building through construction. He feels it is best to hire a construction management service, who will actually take the project and break it up into multiple bid packages. The Fiscal Court would serve as the Owner for the project and the construction manager is the general contractor. The materials are bought in the name of the Fiscal Court, thereby saving the sales tax that a general contractor would otherwise have to pay. Judge Pendery added that one of the things you stand to gain out of having an interview process with architects is advice on subjects such as this. There being no further discussion, Commissioner Otto made a motion and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Horine next presented Resolution R-70-04, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes the execution of a working agreement with the Fraternal Order of Police Lodge #10. The agreement has received the endorsement of Lodge #10. The agreement will cover a three-year period, effective July 1, 2004 through June 30, 2007, and recognizes that it will be subject to endorsement by a new Fiscal Court that would take office in January, 2007. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve Resolution R-70-04. All voted "AYE" and the motion passed unanimously.

Judge Pendery noted that the agreements contained in Mr. Horine's report represent the culmination of months of work and he appreciates everyone's participation in bringing these agreements to their final stages.

Judge Pendery then requested a report from the County Attorney's office. Mr. Verst advised she had nothing further to report at this meeting.

Judge Pendery next requested reports from the Commissioners. Commissioner Otto and Commissioner Rechtin advised they had nothing further to report at this meeting.

Judge Pendery then announced as a reminder that, due to scheduling conflicts, the July 7, 2004 Fiscal Court meeting has been rescheduled to June 30, 2004 at 7:00 p.m., at the Alexandria Courthouse.

Commissioner Otto asked if there was any way to make sure that the citizens who were present tonight at the start of the meeting knew about the change of date for the next meeting. Ms. Williams stated that Mr. Klear was presented with a petition this evening that contains their names and addresses. Mr. Klear stated that the citizens whose addresses were listed on the petition or the sign-in sheet would be notified by mail of the new meeting date.

Judge Pendery then asked for a report from the Fiscal Director. Mr. Seibert requested a motion to accept the bid of Von Lehman and Company, Inc. to provide auditing services for the financial reports of A.J. Jolly Park, Lakeside Terrace Senior Apartments, Housing Department and Public Properties for the next three years in the amount of \$58,500. There being no further discussion, Commissioner Rechtin made a motion and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to award bids relating to surplus properties. Bids were opened on June 10, 2004. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to award bids for contract paving for fiscal year 2005. Bids were opened on June 9, 2004. The motion is being recommended by Ken Schultz, Road Director. Commissioner Otto asked if the paving on Woeste Road was from Lickert to Parkside. Mr. Seibert confirmed that it was. There being no further discussion, Judge Pendery made a motion and Commissioner Rechtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to award bids for commodities for the Road Department for oil, tar, stone and culvert pipe for fiscal year 2005. There being no further discussion, Commissioner Rechtin made a motion and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to reject the bid for asphalt and to ask that this item be re-bid due to a discrepancy in the bidding. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented for second reading and passage consideration Ordinance O-11-04, which he read by title and provided a summary. He explained that this Ordinance adopts the General Fund Budget for fiscal year 2005. The Budget has been approved by the Kentucky State Local Finance Officer as to form and classification. He noted that the Budget results from a lot of work by many department folks in the County. There being no further discussion,

Commissioner Otto made a motion and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next presented Resolution R-60-04, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the adoption of fiscal year 2005 budgets for the Public Properties Corporation, A.J. Jolly Golf Course, Lakeside Terrace Senior Apartments, the Campbell County Housing Department, and Capital Projects. Commissioner Rechtin stated that he disagreed with the capital improvement projects, specifically the jail projects, but the budget in total is important that we have it approved. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve Resolution R-60-04. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented Resolution R-61-04, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the Judge/Executive to execute renewal Support Agreements with ACS Government Systems, Inc. for finance, purchase order printing, and business license and fees software programs in the amount of \$4,215. Commissioner Rechtin inquired as to whether it was still being pursued to look into other software and what the status of that inquiry was. Mr. Seibert responded that this matter has been on the back burner for a while, but it is in the capital projects budget and he will continue to look into it. Mr. Kuykendall stated that he had looked into some different vendors, but this is a project that is complicated and probably will need to be considered in the future. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-61-04. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next presented Resolution R-67-04, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the Fiscal Court to participate in a borrowing agreement with the Kentucky Association of Counties that would allow the County to borrow funds at a very low rate, which may be necessary with some of the projects coming up, prior to our general tax funds coming in at the end of the year. The program is the Kentucky Advance Revenue Program, which will allow the County borrow \$4,148,100. The funds will be available any time after July 1, 2004 and they must be paid back by January 1, 2005. Commissioner Rechtin inquired as to whether this would encompass some ability to file for these funds in the future during this fiscal year. Mr. Seibert stated that it would. There being no further discussion, Judge Pendery made a motion and Commissioner Rechtin seconded, to approve Resolution R-67-04. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested approval of the Claims being presented at this meeting. Mr. Verst advised that he had reviewed the claims and that they appeared to be appropriate. There being no further discussion, Commissioner Otto made a motion that the claims be approved and paid. Commissioner Rechtin seconded the motion. All voted "AYE" and the motion passed unanimously.

There being no further business to come before the meeting, it was moved by Commissioner Rechtin, seconded by Judge Pendery, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 7:28 p.m.

Attachments:

Proclamation: Proclaims June 30, 2004 as Paul H. Twehues, Jr. Day
Ordinance O-11-04: Fiscal Year 2005 General Fund Budget
Ordinance O-13-04: Amendment to Text of Zoning Ordinance, Article X, Section 10.25
Ordinance O-14-04: Discontinuation of Portion of Woeste Road
Resolution R-56-04: Contract for Construction of Campbell County Restrictive Custody Center
Resolution R-60-04: Adoption of Budgets for Public Properties Corporation, A.J. Jolly Golf Course, Lakeside Terrace Senior Apartments, Campbell County Housing Department and Capital Projects
Resolution R-61-04: Support Agreements for Software Programs
Resolution R-62-04: Cost-Share of Medical Insurance Premiums by Campbell County Fiscal Court Employees and Detention Center Employees
Resolution R-63-04: Police Department Wrecker Services Agreements
Resolution R-64-04: IT Maintenance Agreement
Resolution R-65-04: Tuition Reimbursement Policy
Resolution R-66-04: Contract for Architectural Services
Resolution R-67-04: Agreement to Participate in Kentucky Advance Revenue Program
Resolution R-68-04: Joint Homeland Security Grant Application
Resolution R-69-04: Emergency Shelter Grant Agreements
Resolution R-70-04: Agreement with FOP Lodge #10
Claims: June 16, 2004
June 16, 2004 (Supplemental)

Approved:

/s/ STEVE PENDERY
STEVE PENDERY
Campbell County Judge/Executive

Attest:

/s/ SANDRA L. MULLIGAN
Sandra L. Mulligan
Fiscal Court Clerk