

CAMPBELL COUNTY FISCAL COURT MINUTES

March 3, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, March 3, 2010, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

COUNTY COMMISSIONERS:

DAVID OTTO

KENNETH RECHTIN

MARK HAYDEN

Robert Horine
Melissa Williams
Jim Daley
Jim Seibert
Paula Spicer
Chief Keith Hill
Todd Straman
William Turner
Peter Klear
Naguanda Deaton

County Administrator
Director of Administration
County Attorney
Fiscal Director
Fiscal Court Clerk
Campbell County Police Department
Campbell County Police Department
Office of Emergency Management Director
Director of Planning and Zoning
Director of Human Resources

The meeting was called to order at 7:00 p.m. by Commissioner Otto in the absence of Judge Pendery. Cable Access was present to film the meeting.

The Campbell County Police Honor Guard presented the colors.

Commissioner Otto 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 February 17, 2010 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Rechlin, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Commissioner Otto asked if any members of the audience wished to address the Fiscal Court. He asked that if anyone wished to address the Court, they raise their hand, come to the podium and state their name and question or concern.

Eric Hermes, Campbell County resident, stated that he had a question about the \$276,000 in federal funds for energy efficiency upgrades to County buildings. He asked what the taxpayers are being committed to when the County accepts these federal funds; there are always "strings attached" when federal funds are given to local communities. Robert Horine explained that the

action to be taken by the Fiscal Court tonight is simply to amend the budget to accept the funds and to allow the money eventually to be spent on behalf of the citizens of Campbell County. State regulations provide that no money can be accepted or spent unless it is in the County's budget. The Fiscal Court did not know that it would receive these funds at the time when the original budget was prepared. He stated that no final determination has been made as to how these federal stimulus program funds will be spent. Commissioner Hayden stated that the County is simply creating a porthole to accept the money if it is accepted. Mr. Hermes asked if anyone has investigated or understands what the County is committing to if they accept the funds. Mr. Horine advised that Campbell is not the only County receiving funds; Kenton and Boone Counties, and the Cities of Covington and Florence have also qualified for these funds. He stated that this appears to be a good deal for the community for implementing energy efficiency improvements in County facilities. Mr. Horine offered to talk further with Mr. Hermes and other citizens about this opportunity. He stated that the money could be returned and it would then be redistributed to another community. At this point, they have not identified any negative affects for Campbell County to utilize these funds. Commissioner Otto stated that if they could reduce monthly utility costs 5-10% by upgrading lighting in the County's 13 facilities, it would be a significant savings.

Dan Hull, resident, had a complaint that Campbell County Police Officers are not held accountable for their actions; the Police Chief lets his officers get by with everything. His second complaint was about Barrs Branch Road, where he has lived for more than 60 years. He stated that Barrs Branch Road is a farm access road and nothing more; there is no legal right-of-way on the road except for the state law that says that a right-of-way exists from the top of the cut to the bottom of the hill. Commissioner Rechlin asked Mr. Hull to explain the law that he says the police are not abiding by. Mr. Hull stated that he was cited by Officers Newberry and Heiert for "allowing" is cattle to be at large. He stated that the law clearly states that if any peace officer finds cattle running at large he "shall" impound the animals for which he shall receive one dollar per head, not to exceed three dollars. Mr. Hull stated that the intent of this law passed around 1950 is that the legislature did not want farmers to be cited for something that they didn't do. Simply put, peace officers are required to herd loose cows and be paid for their cost to do so. Mr. Hull explained how his cows escaped a few times and that he was not aware of it until somebody notified him. He believes that the neighbors should or could sue him for damage done by his cattle, but he should not be cited by the police for violating the law. Commissioner Otto stated that he does not recall any complaints about police officers or the police chief in the last 20 years. He stated that there is a merit board that oversees the Police Department and that they do an excellent job. He is proud of the Department and the job that the officers do, and he does not appreciate the allegations made by Mr. Hull. Chief Hill advised that there is a law prohibiting cattle from running at large. The police notify the owner but don't cite the owner the first time. After two or three instances the owner will be cited. Chief Hill stated that he does not cite the officer for not impounding the cattle because they do not have the facilities to impound cattle. Back to the subject of Barrs Branch Road, Mr. Hull stated that the road is very narrow and the County has been encroaching on fences along the road so much that the fences are collapsing. Mr. Hull wants the road repaired or closed to thru traffic. He stated that in many places it is not wide enough for two vehicles to pass. It would be safer for the school buses if it were closed to thru traffic; there have been more school bus accidents on Barrs Branch Road than any other road. Commissioner Otto suggested that Ken Schultz look at the condition of the road, consult with the County Attorney and then contact Mr. Hull.

Commissioner Otto asked Russell Guy, retired Maintenance Supervisor, to come forward and presented him with a watch in recognition of his 11 years of service to the Campbell County Fiscal Court. Mr. Guy introduced his wife, daughter and grandson. He stated that it has been a pleasure working for the Fiscal Court for the last 11 years. He stated that Judge Pendery and the Commissioners do a great job for the County and he has enjoyed working with Robert Horine and Melissa Williams.

Chief Keith Hill presented the following officers with awards earned in 2009:

Departmental Impaired Driving Detection and Apprehension Award to Officer Nicholas Heiert

Patrol Level Drug Enforcement Award to Officer Adam Moeves

Speed Detection and enforcement Award and Vehicle Safety Restraint Enforcement to Officer Mark Wilke

Chief Hill explained some of the things that the Volunteers in Police Service (VIPS) do for the Police Department and how it benefits the officers. He then introduced the VIPS who were present: Vera Powell, Michelle Turner and Jerry Jones, and announced the number of hours each has volunteered in the last year. He stated that the VIPS donated a total of 1,132 hours to the Police Department in 2009.

Chief Hill explained that the Campbell County Police Force Merit Board, an all volunteer Board, meets every other month and is responsible for administering written tests and oral interviews to create entry level and promotional eligibility lists for the Police Department, and also conducts disciplinary hearings. He then introduced Alex Futscher a member of the Campbell County Police Force Merit Board who is to be reappointed to a new four-year term later in the meeting.

Chief Hill then presented the 2009 Campbell County Police Department Annual Report. He cited the Police Department's mission statement. Chief Hill talked about the citizen survey conducted in 2009 giving the Department a 73% approval rating. He then reported on the duties and accomplishments of the Patrol Division and Investigations Division. He listed the various kinds of functions in which the Honor Guard participated. Chief Hill talked about the School Resource Officers and at what schools they were assigned. He reiterated what a great asset the VIPS program is to the Department. Chief Hill then listed awards and achievements of various officers, and briefly reviewed the Goals and Objectives of the Department for 2010. He concluded his report by announcing that the Annual Report is online and accessible through the County's website. Commissioner Hayden stated that he realizes the many things that an officer is trying to do while responding to a call, and asked what the Chief plans to do to reduce at-fault accidents. Chief Hill stated that he plans to provide more training, take a closer look at the causes of at-fault accidents, and increase the officers' awareness when they are on calls. Copies of the accident reports are also given to the Human Resources Director and the Treasurer for review before being forwarded to the Judge/Executive's Office. Commissioner Hayden asked if there is anything that the public can do. Chief Hill replied that there is a recent law in Kentucky that if a driver sees blue lights on the side of the road, the driver must move to the left lane on a two-lane roadway for the safety of the officer. Also, if a driver sees an officer trying to pass in traffic, the driver should move to the right to allow the officer to pass. Commissioner Otto, on behalf of the Fiscal Court and Judge Pendery, expressed his appreciation to the Police Department. He asked Mike Combs a member of the Campbell County School Board to give his

thoughts on the School Resource Officers. Mr. Combs stated that the presence of the School Resource Officers has made a huge difference in the schools. The interaction between the students and the officers helps with many issues including drug abuse.

There being no old business, Melissa Williams presented new business beginning with Ordinance O-03-10 which was read by title and summary given. O-03-10 adopts a revised fee schedule to include additional building plan review and inspection services resulting from the Kentucky Department of Housing, Building, and Construction's approval of expanded jurisdiction for Campbell County. Ms. Williams stated that these fees are for services which the County did not offer in the past. Peter Klear explained that the Fiscal Court previously approved the contract with the State for additional plan review and inspection services. Fees to cover these new services were not included in the original fee schedule as the County did not offer the services before. He took an average of what other jurisdictions charge to establish a fee schedule for the County.

Resolution R-24-10 was read by title and summary given. R-24-10 adopts and approves the granting of a private sanitation easement through the public right-of-way of Eight Mile Road to Kathryn A. Schellinger for the purpose of construction of a sewer drainage line serving a proposed single-family residence. Commissioner Rechlin made a motion to adopt R-24-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-25-10 was read by title and summary given. R-25-10 authorizes the Judge/Executive to apply for an Animal Shelter and Animal Control Equipment Grant from the Kentucky Department of Agriculture Animal Control Advisory Board to be used by the Campbell County Animal Shelter. Ms. Williams explained that this grant application is in the amount of \$1,000, and requires no match by Campbell County. Commissioner Otto made a motion to adopt R-25-10, seconded by Commissioner Rechlin. All voted "AYE" and the motion passed.

Resolution R-26-10 was read by title and summary given. R-26-10 authorizes the Judge/Executive to execute a Memorandum of Agreement with the Kentucky Board of Emergency Medical Services/KCTCS for Fiscal Year 2010 Ambulance Services Grant Funding. Ms. Williams stated that the Fiscal Court had previously authorized the application for this grant, and that the grant proceeds will be divided equally among the eight squads in Campbell County. Commissioner Rechlin made a motion to adopt R-26-10, seconded by Commissioner Otto. Commissioner Rechlin stated that he doesn't agree with the State's method of distribution of these funds to Kentucky counties as all counties, no matter their size or population, get an equal amount. All voted "AYE" and the motion passed.

Resolution R-27-10 was read by title and summary given. R-27-10 authorizes the annual maintenance agreement with Dialogic Communications Corporation for the office of Emergency Management's communicator and Geocast systems' hardware. Commissioner Rechlin made a motion to adopt R-27-10, seconded by Commissioner Otto.

Ms. Williams requested a motion to appoint Mark Schroder, Aaron Myers and Josiah Myers as Golf Course Maintenance Workers for A. J. Jolly Golf Course effective March 3, 2010 through

the 2010 Park Season at an hourly rate of \$9.91. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to adjust the annual compensation of Patrolman Gary Downs from Grade 3 11C (\$20.0326/hr) to Grade 4 12A (\$20.4973/hr) effective March 6, 2010 in accordance with the Fraternal Order of Police agreement. Motion was made by Commissioner Otto, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to adjust the annual compensation of Patrolman Geoffrey Lucas from Grade 1 9B (\$17.727/hr) to Grade 2 10A (\$18.1593/hr) effective March 23, 2010 in accordance with the Fraternal Order of Police agreement. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-14-10 was read by title and summary given. R-14-10 amends the "Shelter In Place" Plan for the Campbell County Administration Building and Health Center located at 1098 Monmouth Street, Newport, Kentucky. Ms. Williams stated that this resolution had been tabled at the February 3, 2010 Fiscal Court Meeting. The Shelter in Place Plan had to be amended due to the move and the additional offices that are now in the new Administration Building and Health Center. Additional responsible parties have been assigned to certain duties as requested at the last meeting. Commissioner Hayden made a motion to adopt R-14-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Ms. Williams requested a motion to reappoint Alex Futscher to the Campbell County Police Force Merit Board for a four year term effective March 18, 2010 through March 17, 2017. Motion was made by Commissioner Otto, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine then presented his report beginning with Resolution R-28-10 which was read by title and summary given. R-28-10 expresses support for the proposed Riverfront Commons Phase I Development Project. Mr. Horine explained that the funding for this project will come from a variety of sources. Commissioner Rehtin made a motion to adopt R-28-10, seconded by Commissioner Otto. Commissioner Rehtin requested that Southbank give a presentation on the project at an upcoming Fiscal Court meeting. Commissioner Hayden stated that this is an extremely important project to the County and encouraged the public to support it. All voted "AYE" and the motion passed.

Resolution R-29-10 was read by title and summary given. R-29-10 expresses support for a review of the Kentucky Revised Statute 78.530 to eliminate the requirement that new participating agencies must contract with the Kentucky Employment Health Plan in order for employees to remain in the Kentucky Retirement System. Mr. Horine stated that this issue came to light when the Police Departments of the Cities of Highland Heights and Southgate merged services. The newly merged agency is required to participate in the Kentucky Employment Health Plan which is more expensive than private insurance. Legislation (SB124) introduced by Senator Katie Stine passed the Senate and will move on to the House. He stated that agencies should not be penalized for consolidating services to save money. Commissioner Rehtin made a motion to adopt R-29-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Mr. Horine noted that there has been a lot of media coverage recently regarding increases in the rates charged by the Sanitation District No. 1 (SD1). He stated that the rates are a concern to all parties involved: the SD1 Board, the Judges Executive and the Fiscal Courts. Mr. Horine explained that the rate increases are driven mostly by a federal consent decree requiring SD1 to take certain actions to comply with the federal Clean Water Act. Compliance with this decree will result in an expenditure of about \$1 billion in improvements over the next 20 years. SD1 has sought the most cost effective ways to address these issues. Mr. Horine advised that two pieces of legislation are pending before the General Assembly that would help SD1 comply: HB504 would direct the Kentucky Division of Water to take into consideration the limitations of a community's financial capabilities when it comes to enforcement of the Clean Water Act, and HJR187 which, if passed, would be sent to Congress and the US Environmental Protection Agency to direct them to consider financial capabilities of communities when implementing its combined sewer overflow control measures. He stated that they will monitor these bills and report back on the success of these bills in the General Assembly.

Commissioner Otto announced that the Campbell County Clean-Up event is scheduled for the weekend of March 26, 27 and 28, 2010 at Pendery Park, the County Road Department and the County Police Department. Information about the event has been sent to *The Enquirer* and *Campbell County Recorder*, and will be posted on the County's website. Any particular questions can be answered by David Plummer, Solid Waste Coordinator, at 859-547-1802.

Jim Seibert presented Ordinance O-01-10 for a second reading by title and summary given. O-01-10 relates to the 2009-2010 Annual Budget and amendments thereof. Commissioner Rehtin made a motion to adopt O-01-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for March 3, 2010. 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 Rehtin made a motion to adjourn, seconded by Commissioner Otto. All voted "AYE" and the meeting adjourned at 8:22 p.m.

Attachments:

Ordinance O-03-10	Revised Fee Schedule for Building Plan Review and Inspection
Resolution R-24-10	Private Sanitation Easement
Resolution R-25-10	Application for Animal Shelter/Animal Control Equipment Grant
Resolution R-26-10	Agreement for Ambulance Service Grant Funding
Resolution R-27-10	Annual Maintenance Agreement with Dialogic Communications
Resolution R-14-10	Amend "Shelter in Place" Plan
Resolution R-28-10	Support for Riverfront Commons Phase I Development Project

Resolution R-29-10 Support for SB 124 – Revision of KRS 78.530
Ordinance O-01-10 Amend FY 2010 Budget for Energy Conservation Grant
Claims of March 3, 2010

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk