

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

FEBRUARY 20, 2019

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, February 20, 2019, 5:30 p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
GEOFF BESECKER
TOM LAMPE
BRIAN PAINTER

Steve Franzen	County Attorney
Matt Elberfeld	County Administrator
Kim Serra	Assistant County Administrator
Marie Schenkel	Finance Director
Paula Spicer	Fiscal Court Clerk
Frank Spataro	Human Resources Director
Chief Craig Sorrell	Campbell County Police Department

The meeting was called to order at 5:30 p.m. by Judge Pendery. Cable Access was present to film the meeting.

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present.

Minutes from the Fiscal Court regular meeting of February 6, 2019 were presented. Motion was made by Commissioner Lampe, seconded by Commissioner Besecker to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery then called on Andy Yeager, Transportation Engineer Supervisor, Kentucky Transportation Cabinet District 6 to present the recommendations for Rural Secondary Road Program funds for Fiscal Year 2019-2020. Mr. Yeager then advised that Campbell County's allotment for FY20 is \$681,560, with about \$207,100 allotted for routine maintenance and traffic for 43 miles of roads and a 20% set aside for Flex Funds at \$136,312. After deducting County Administrative expenses, that leaves \$335,748 plus \$248,366 left from FY19 for a total of approximately \$584,114 for projects. Mr. Yeager then listed the recommended projects: resurfacing of Persimmon Grove (KY1121) from California X-Roads to KY10 at approximately \$442,500, a slide/erosion repair project on Stonehouse Road (KY1997) at a cost of about \$94,000 and resurfacing Stevens Branch (KY1996) from KY1121 to KY10 at \$55,000. He

advised that typically project bids come in lower than his estimates. If the County chooses not to use Flex Funds on a County road, he recommends resurfacing of Oneonta Road (KY1566) from KY1997 to KY8. Steve Franzen asked about the extended KY9. He questioned the barricaded section on Fourth Street in Newport that directs drivers to a detour to get to the bridge leading to Covington. Mr. Andy Yeager replied that the stub was closed; it is not meant for through traffic. He further explained that Fourth Street is a city street and the final configuration of the State route is actually Third Street from Newport on the Levee. Mr. Franzen stated that it is very confusing. Mr. Robert Yeager stated that the City of Newport is taking over portions of Fourth and Fifth Streets that used to be KY8. They are moving all through traffic to Third Street (KY8); KY9 actually starts at the roundabout. Once the streets are turned over to the City of Newport and are resurfaced, everything will be remarked. The intent is that traffic going to Covington should use the new route on Third Street (KY8). Commissioner Besecker stated that people have expressed concern to him about reflectors popping out of the road on US27 in Highland Heights and Cold Spring, and the area around Campbell County High School. The dashed lines on the road are difficult to see without the reflectors especially at night or during rain events. Mr. Andy Yeager replied that he will have it looked at. Commissioner Painter asked where the slip is located on Stonehouse and how it will be fixed. Mr. Yeager stated that it is about a half mile north of Oneonta. He explained the repair process adding that the work will be done sometime after July 1, 2019.

Mr. Andy Yeager introduced Secretary Greg Thomas, KY Transportation Cabinet, Robert Yeager, Chief District Engineer and Rob Allender, District 6 Superintendent for Campbell County who were present.

Judge Pendery introduced Greg Thomas, Secretary of the KY Transportation Cabinet, adding that whenever he is in Frankfort, he receives a warm welcome from the Cabinet. He appreciates Secretary Thomas' presence and invited him to speak. Secretary Thomas stated that the Transportation Cabinet is working on the Governor's vision and direction – improved transportation to connect people to jobs. He advised that they are in the second year of the SHIFT cycle their project prioritization process. Secretary Thomas stated that the Governor's focus is on preserving the State's assets – bridges and roadways. He then talked about the Bridges Kentucky Program whereby they are addressing 1,000 bridges over the next six years. They expect to let more than 400 projects for bid this summer. He is making his way to Fiscal Court meetings around the State to determine local needs. Secretary Thomas stated that the Governor has authorized some discretionary funding and they are looking for critical needs projects especially those that result in direct job growth/retention or critical infrastructure needs that are unfunded that they may be able to collaborate on with local governments. He added that Bob Yeager and his team do a great job and he is thankful to have them. Commissioner Painter spoke about KY536 that connects Campbell, Kenton and Boone Counties. Route 536 is a viable corridor to connect people with jobs especially Amazon in Boone County. He has found that more people use KY536 for business on a regular basis than he thought. He stated that it is a hazardous road, particularly the Kenton County section. Judge Pendery agreed that the Campbell County section of 536 is not as bad as Kenton County's. Part of the regional workforce initiative is to find workers from outside the community to work here. KY536 is one of the primary ways for people from the outer northern Kentucky counties to reach places like Amazon. Commissioner Painter thanked Secretary Thomas for attending. Judge Pendery stated

that the northern Kentucky Judges/Executive appreciate having visited with Secretary Thomas on several occasions and having their voices heard. Secretary Thomas suggested that they follow up with Robert Yeager with any other requests.

Judge Pendery called on Dave Culp Jr. and Sr. who had signed in to address the Fiscal Court. Mr. Culp Jr. stated that they were present to follow up on the trap-neuter-release (TNR) program. They want to make sure that the TNR program continues to be run in a manner that takes care of the cats but also respects the right of property owners. He stated that Title IX, Chapter 90 has not yet been updated online with amending ordinance O-09-18. He acknowledged that there is a disclaimer on the website, however, it is a digital age and the average person looks for information online. Mr. Culp recounted the issues that his father had with the cats and the organization that said that what his father wanted to do was illegal, which was not the case. When this situation first started, he looked at Title IX online and realized that his father could be prosecuted for cruelty to animals in the first degree. When O-09-18 was adopted on August 15, he had a discussion with Mr. Franzen and the minutes reflected that what his father did to humanely trap a TNR cat and relocate it off his property would not meet the definition of KRS 525.130 and he would not be prosecuted for cruelty to animals in the second degree. He asked when the online version of Title IX would be updated with O-09-18. Mr. Elberfeld replied that it would be updated with the next codification, which is done every six months for the six months prior. The ordinance still has full effect of the law. Mr. Culp Jr. asked them to address a potential loophole in Section 90.99. He again referred to his conversation with Mr. Franzen regarding a person relocating a TNR cat and being charged with a Class B Misdemeanor. Judge Pendery appreciates Mr. Culp's presence and his concerns, however if they are going to get into details, it may be better to meet outside of a public meeting so that they can have time to address his concerns and get into the details. He is happy to meet with him at his convenience. Mr. Culp stated that they are present on behalf of all Campbell County residents because he doesn't want to see what happened to his father happen to anybody else.

Mr. Culp Jr. stated that the Culp's attended the September 19 meeting. Judge Pendery was not present and they were limited to three minutes. He was so incensed he could not think or talk straight. The September 19 meeting minutes are not online and he wants to know why. Judge Pendery stated that he did not know the answer. Mr. Culp Sr. stated that that is the only meeting minutes that are not online; how can they get it back online. Mr. Culp Jr. stated that Fiscal Court meetings are the only venue where a private citizen can publicly address the members of the Fiscal Court on an issue. Judge Pendery stated that if they are getting into details, the people who are being asked questions need a chance to consult, and look things up. It is not a productive use of time at a meeting because they are not able to look things up and provide answers. Mr. Culp Jr. stated that they would like to schedule a meeting. He stated that the only record that says that a person can't be prosecuted for doing what his father did by trying to humanely trap the cats is the August 15 meeting minutes. There are no exemptions in Title IX clarifying that as a last resort if somebody does what his father did they are within their property rights. He is extremely displeased that there has been no kind of formal admonishment of a certain organization. He stated that his father was libeled on Facebook. His family loves the mission of the Tri-State Noah Project and supports it, but the organization's behavior in this particular instance should be admonished. Judge Pendery agreed that there is a lot of inappropriate commentary on Facebook and online and wishes that something could be done

about it. Mr. Culp Jr. stated that after the August 15 meeting his father sent an email to the Tri-State Noah Project advising them of the amending ordinance. Their reply was that they were going to take legal action if Mr. Culp contacts them in any way. In his review of all meeting minutes since August 15, he did not see anything about the amending ordinance. He wants to know if there was any discussion outside the Fiscal Court meeting against the adoption of this ordinance. Mr. Elberfeld and Ms. Serra both stated that they had not heard anything. Mr. Culp Sr. stated that they want to meet with Judge Pendery and asked if the entire Fiscal Court would meet. Judge Pendery replied that it would just be him. Mr. Culp Sr. then asked if it would all be on the record. Judge Pendery stated that it would not. Messers. Culp both stated that they want the meeting on the record. Judge Pendery suggested meeting with him first and if they are unhappy, they can come to the Fiscal Court meeting and complain about it. Mr. Culp Sr. asked if they are telling him on the record that within a year these things will be amended. Judge Pendery and Mr. Elberfeld stated that the ordinance was already amended. It is a matter of how fast the ordinances are codified. Mr. Elberfeld explained the codification process adding that the ordinance already is effective law. Mr. Culp Sr. stated that when he meets with Judge Pendery he would like to find out where the September 19 meeting minutes are and he would like to see them. Mr. Culp Jr. stated that late that night (September 19) he sent a scathing email to the Fiscal Court and local media pointing out how he felt that their first amendment rights were abridged. The media and nobody wants to touch this because it is political suicide for them. He cannot speculate as to why the meeting minutes are not online. Mr. Culp Sr. asked how long the meeting minutes are kept. Mr. Elberfeld replied that they are permanent record and filed with the Clerk. Minutes on the County's website go back to January 3, 2007. Mr. Culp Sr. asked Mr. Franzen what if something happens during this time period where there is really nothing in black and white. Mr. Franzen replied that the ordinance is in black and white, it is just not on the website yet, but you are responsible for knowing what the law is regardless of whether it is on the website. He added that Mr. Culp is the only person who has had this problem. It could happen to somebody else, but the good news is that it has not. Mr. Culp Jr. said that if it does happen again, any property damage, physical injury to a cat or human being, any bloodshed, is on their heads. If they really care about the cats, they would ensure they were put with a caretaker who has the means to feed and shelter them. The Fiscal Court is not doing that - or have they started working with the Tri-State Noah Project or other group to see that these TNR cats have a forever home or at least have food and shelter. He wonders how many TNR cats died during the last cold spell. Judge Pendery stated that the program was previously explained. Mr. Culp Jr. stated that under the rules cats are supposed to be taken back to where they were picked up. If he learns that the Fiscal Court is relocating cats from Ft. Thomas to Dayton. Judge Pendery stated that he explained it before and he would be happy to explain it again in a meeting. Mr. Culp Jr. stated that he has a complete understanding of the program. Judge Pendery advised Mr. Culp Sr. to call Ms. Spicer to set up a meeting. Mr. Culp Sr. stated that at the meeting he wants the meeting minutes from September 19, 2018. Mr. Culp Jr. welcomed Mr. Besecker. He checked out his website and likes what he saw. It is good to see that there is a conservative voice on the Fiscal Court. Mr. Culp Jr. then distributed his proposed ordinances and regulations and requested that they be reconsidered.

There being no old business Paula Spicer presented new business beginning with Resolution R-24-19 by title and summary. R-24-19 adopts the revised Campbell County Emergency Operations Plan, prescribes the regulations governing disaster and emergency mitigation,

preparedness, response and recovery services in and for Campbell County, Kentucky. Judge Pendery made a motion to adopt R-24-19, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Diane Bertke, County Treasurer, effective March 29, 2019. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Judge Pendery stated that Ms. Bertke has done a wonderful job. All voted "AYE" and the motion passed.

Resolution R-23-19 was read by title. R-23-19 authorizes new positions of Finance Director/Treasurer, Assistant Treasurer and Business Analyst and modifies existing positions of Staff Accountant and Accounts Payable Specialist in the Finance Department and authorizes corresponding amendments to the Administrative Code. Judge Pendery stated that due to Diane Bertke's retirement, some changes in responsibilities and positions are proposed. Judge Pendery made a motion to adopt R-23-19, seconded by Commissioner Lampe. Judge Pendery then asked Mr. Elberfeld to give a brief report on the changes. Mr. Elberfeld explained that the combined Finance Director and Treasurer position creates a FTE opening. Staff recommends creating the Business Analyst position to focus on process improvement, efficiencies and being more proactive. Commissioner Besecker stated that it is difficult to determine the value of this new position when at this point they do not have the ability to determine the cost savings. Once the position is filled, is there a timeline for looking at the resulting savings or expense. Mr. Elberfeld stated that they could look at it at any time given direction of the Fiscal Court. Traditionally positions such as this are reviewed annually. He gave as an example the creation of the HVAC position in the Facilities/Maintenance Department. Commissioner Besecker stated that this new position will specifically look at purchasing and where savings can be made throughout the County. Mr. Elberfeld stated that this will work well with the internal control review by MCM. Staff will rely on their expertise to identify the top four areas where efficiencies and controls can be improved. Commissioner Besecker stated that the overall goal is efficiencies. Judge Pendery stated that it is not always about dollars it is also about having the most professional people that can be found. Mr. Elberfeld explained that there is no great range on salary, because this is a new position and a new direction for the County, staff hasn't looked at the market yet. Woody Robinson asked if any other Kentucky counties have done this. He stated that in light of the Covington Finance Director issue a few years ago, he sees a need for checks and balances. Mr. Elberfeld agreed that that is a good point. The checks and balances and internal controls will still be in place. Combining the Treasurer and Finance Director positions will not negatively impact internal controls. He added that Boone and Kenton Counties have a single Finance Director/Treasurer. Commissioner Painter stated that currently the Finance Department has 5.0 full-time equivalent people and after the reorganization, it will still have 5.0. This is like employing a private practice in government structure to get some cost savings. All voted "AYE" and the motion passed.

A motion was requested to change the job title of Finance Director Marie Schenkel to Finance Director/Treasurer and adjust her compensation from \$91,078.26 in Pay Grade 18 to \$100,000.00 in Pay Grade 19 effective March 29, 2019. The motion further appoints Marie Schenkel as the County Treasurer for the remainder of the current County Treasurer's (Diane Bertke) four-year term upon taking the Oath of Office on March 29, 2019 to provide continuity

in the Treasurer position pursuant to KRS 68.010. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to change the job title of Senior Accountant Chris Sapp to Assistant Treasurer with no change in compensation effective April 1, 2019. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to adjust the hourly rate of pay for Housing Specialists Kristen Halloran and Brandi Fritsche from \$20.69 and \$20.34, respectively, to \$22.00 effective February 25, 2019. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to appoint John Baughcum to the full-time position of Housing Specialist in the Housing Department effective February 25, 2019 with compensation set at Pay Grade 13, \$21.00 per hour or \$38,220 annually with annual benefit costs of approximately \$22,982. Motion was made by Judge Pendery, seconded by Commissioner Lampe. In response to Commissioner Besecker’s question, Mr. Elberfeld stated that this is not a new position, but fills a vacancy in the Housing Department. All voted “AYE” and the motion passed.

A motion was requested to adjust the hourly rate of pay of Theresa Connaughton, part-time Senior Center Assistant from \$14.38 to \$16.00 effective February 25, 2019. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to appoint Lisa Ketron to the part-time position of Senior Center Assistant at the Senior Center effective February 25, 2019 with compensation set at Pay Grade 11, \$15.50 per hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to set the annual compensation for Judge/Executive Steve Pendery and Jailer James Daley as prescribed by KRS 64.5275 for the 2019 calendar year. The compensation is calculated by the Kentucky Department for Local Government. The salaries are retroactive to January 1, 2019. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to set the annual compensation for Campbell County Commissioners at \$40,069.18 effective January 1, 2019 as calculated by the Kentucky Department for Local Government. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioners Lampe and Painter and Judge Pendery voted “AYE”, Commissioner Besecker voted “NAY” and the motion passed.

A motion was requested to set the annual compensation for the County Attorney at \$48,490.42 effective January 1, 2019 as calculated by the Kentucky Department for Local Government. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

A motion was requested to set the annual compensation for the Campbell County Coroner at \$48,772.80 effective January 1, 2019 as calculated by the Kentucky Department for Local Government. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Alisha Schweitzer, Michael Sutton and James Morgan Jr. to the Campbell County Ethics Commission for a one-year term effective February 21, 2019 and expiring January 31, 2020. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "AYE" and the motion passed.

Steve Franzen stated that the members of the Fiscal Court got an invitation to a meeting about the Landlord-Tenant Act. If they want to adopt it, it will require an ordinance. He stated that there is some benefit to having consistency throughout the County. Only the City of Ft. Thomas and the Fiscal Court have not adopted the Act. Mr. Franzen listed some of the benefits of the Act to both the landlord and the tenant. He thinks it would be a good thing.

Commissioner Besecker wished to recognize some local scholar athletes as winter sports come to an end:

Newport High School's Mirena Combs placed 4th in the State Bowling Tournament
Campbell County High School girls bowling team were runners-up in State Tournament
Abby Bach, Highlands High School and Kaylee Hitt, Campbell County were in the top 20 in bowling

Highlands High School Ethan Stuart was regional champion in Archery

Highlands boys were regional champions and combined regional champions in swimming and 11 Campbell County Camels qualified for State

Campbell County Boys Wrestling teammates placed in the State Tournament - Casey Rauch 4th, Thomas Ketchen-Carter 3rd and Ron Shackelford 6th

He added that boys and girls basketball are in district tournaments now and getting ready to play in regional and State tournaments. He wants to wish them the best of luck, exude great sportsmanship and enjoy time on court.

Commissioner Painter reported that on February 17 he attended the County Commissioners and Magistrates Legislative Day in Frankfort. There were about 300 attendees from all over the State. They were first briefed on the legislative agenda of the day and issues meaningful to local government. The attendees were then free to visit the Capitol and speak to legislators.

Marie Schenkel requested a motion to accept the low bid of Smith Construction in the amount of \$76,757.00 for drilled shaft pier wall installation on Steffen Road. This road was damaged about a year ago during a flooding event and she anticipates being reimbursed by FEMA for about 75% of the cost of repairs. Motion was made by Commissioner Painter, Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to acknowledge for the record that the 2019 bonds are in place for the County Jailer, County Treasurer and Occupational Tax Department employees. Motion was made by Judge Pendery, seconded by commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to approve budget transfers as presented for February 20, 2019. Ms. Schenkel explained that the transfers do not increase the overall budget they only reallocate certain funds. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Ms. Schenkel then requested a motion to approve the claims and supplemental claims as presented for February 20, 2019. County Attorney Steve Franzen stated that he has reviewed the claims and supplemental claims and determined that they all appear appropriate. Commissioner Lampe made a motion to approve the claims, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Lampe made a motion to adjourn, seconded by Commissioner Besecker. All voted "AYE" and the meeting adjourned at 6:45 pm

Attachments:

Resolution R-24-19 Adopt Revised Emergency Operations Plan
Resolution R-23-19 Reorganizing Positions in the Finance Department
Budget Transfers Dated February 20, 2019
Claims and Supplemental Claims Dated February 20, 2019

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk