

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

AUGUST 15, 2018

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, August 15, 2018, 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
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Steve Franzen
Matt Elberfeld
Kim Serra
Marie Schenkel
Paula Spicer
Chief Craig Sorrell
Frank Spataro

County Attorney
County Administrator
Assistant County Administrator
Finance Director
Fiscal Court Clerk
Campbell County Police Department
Human Resources Director

The meeting was called to order at 5:30 p.m. by Commissioner Painter. He announced that Judge Pendery was on his way back from Frankfort and would arrive late to the meeting. Commissioner Lampe made a motion to have Commissioner Painter preside over the meeting until Judge Pendery arrives. Commissioner Painter seconded the motion. Commissioners Lampe and Painter voted "AYE", Commissioner Coleman voted "NAY" and the motion passed. Cable Access was present to film the meeting.

Commissioner Painter gave an invocation followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present. Commissioner Painter stated that he will relinquish the chair when Judge Pendery arrives.

Minutes from the Fiscal Court regular meeting of August 1, 2018 were presented. Motion was made by Commissioner Painter to approve the minutes, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

Mr. Elberfeld stated that two people had signed up to address the Fiscal Court: David Culp Sr. and David Culp Jr. David Culp Jr. spoke first. He stated that the proposed changes to Section 90.04 of the Code of Ordinances is a great start however, he suggested that they include a legal definition of community cat caretaker. Until then, he does not know how a person can be cited

under the ordinance. Mr. Franzen stated that if somebody is accused of feeding a community cat or a cat that does not belong to them, and is causing a nuisance they will be cited under the ordinance – they do not have to be the owner of the cat. Mr. Culp asked if the County will charge and prosecute anybody under KRS 525.130 for cruelty to animals in the second degree if they do what his father and his neighbors did and humanely trap cats that are defecating and damaging their property and relocate them. Mr. Franzen stated that that is not cruelty to animals. A person would not be prosecuted unless they were violating the statute and what was described is not a violation of the statute. Mr. Culp stated that animal rights activists would try to have a person charged under this statute because of key words in the statute. He asked again if they would charge/prosecute anyone who does what his father did under KRS 525.130. Mr. Franzen stated that he already answered the question. The scenario does not meet the definition of animal cruelty. Mr. Culp stated that he takes that as a “yes” answer and he would like to see it included in the minutes.

David Culp Sr. addressed the Fiscal Court next. He began by stating that they are not against the spay/neuter program; it is a good thing. His problem is that there needs to be some number on the amount of community cats brought back to a particular area. Somebody had 15 cats at one location, animal control trapped the cats which were spayed/neutered and brought back to the same location. A City ordinance says that you can have two cats that must be licensed. There were 13 other cats within a two-block area. He asked what they would do if they were in his situation. Mr. Culp requested that the Fiscal Court establish how many community cats can be in a particular area. Commissioner Painter stated that the program takes breeding cats and turns them into non-breeding cats that cannot reproduce. Mr. Culp stated that 15 cats should not be brought back to a two-block area. Commissioner Painter stated that what is proposed is a start to get this problem addressed. Formerly cats were not recognized as nuisances, but in the new ordinance they are. Mr. Culp Jr. stated that they appreciate the effort and are not debating the efficacy of the TNR program vs. euthanasia. He knows that the TNR program is not going to stop because it is financially and politically advantageous to the County. Since it will be on the record that someone who does what his father did is not going to be prosecuted/charged with cruelty to animals in the second degree, it needs to be communicated to every law enforcement office in the County and to groups like the Tri-State Noah Project. He sent multiple emails to the media about this issue and they did not respond. He does not understand how the TNR program reduces the actual number of cats. If only TNR is used and no euthanasia, it only reduces the rate of population increase. Unless the mortality rate of these cats is greater than the birth rate of any stray or feral cat, they’re not really reducing the numbers. Commissioner Painter stated that they have to start somewhere, TNR is probably an experiment but it is better than it was. He apologized to Mr. Culp Sr. – it was an unfortunate situation that he was put in. Mr. Culp Sr. stated that the animal control officer told him that she is taking care of 10 cities by herself. Mr. Elberfeld stated that that is correct. He pointed out that she is not a County employee. The animal control officer is an employee of the City of Ft. Thomas, which has entered into an interlocal agreement with nine other cities to provide animal control services. Since she is not an employee of the County, neither he nor Ms. Krummen has control over her. Mr. Elberfeld stated that if the cities that are party to the agreement want to increase funding they could hire more animal control officers. Commissioner Painter gave an example of increased cat population at Flagg Springs Golf Course. After some of the cats were spayed/neutered their numbers dwindled until now there are only one or two cats left. Commissioner Coleman stated that one

reason the cats may have dwindled at Twin Bridges is coyotes. Mr. Culp Sr. asked if they were going to put a limit on the number of cats brought back to a certain area. Mr. Elberfeld stated that staff could look into it and make a recommendation to the Fiscal Court. It is ultimately up to the Fiscal Court if they chose to vote on the ordinance tonight. Mr. Culp Jr. stated that 90.04(b) might be difficult to enforce in an urban area because there may be more than one person to cite. Mr. Elberfeld stated that this is just a County ordinance; it is up to the cities to adopt similar or stronger legislation. This ordinance is for governing the unincorporated area. Commissioner Painter asked the Culp family to keep in touch with staff. Ms. Krummen advised that in the future they should call the shelter to dispatch the Animal Control Officer and keep track of calls and responses.

Commissioner Painter requested that they proceed with the meeting and the old business.

Paula Spicer presented old business with a second reading of Ordinance O-08-18. O-08-18 updates the County Maintained Road List in Campbell County, Kentucky for Coot Court, Mallard Drive and Wigeon Drive. Commissioner Lampe made a motion to adopt O-08-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Ordinance O-09-18 was presented for a second reading. O-09-18 amends the Campbell County Code of Ordinances at Section 90.04 to forbid owners of dogs, puppies, cats or kittens from a variety of nuisance activities. Commissioner Lampe made a motion to adopt O-09-18, seconded by Commissioner Painter. Commissioner Coleman stated that he believes that this is a property rights issue. He has talked to Mayor Boruske, one of the council members from Bellevue and the Culp family. The problem is not spay/neuter, the problem is bringing the cats back to where they were picked up. After being brought back, the cats are still using Mr. Culp's yard as a litter box and destroying his property. He would like to see the ordinance tweaked. He understands how the TNR program reduces numbers but it still does not protect Mr. Culp's property. Commissioner Coleman asked if they would choose the property rights of the cats over the property rights of Mr. Culp? He says "No"; he was not elected by cats. The Commissioners were elected to protect the interests of taxpayers and citizens. He stated that the ordinance addition applies to the unincorporated area; there is not a problem in the unincorporated area. He talked about a previous cat problem in his neighborhood. He was told by a neighbor that she had heard coyotes, and maybe that's what happened to the cats. However, that does not solve Mr. Culp's problem in the urban area. Commissioner Coleman stated that he originally voted for this and he respects the rights of taxpayers who do not like euthanizing cats or dogs. He was shocked at the number of people concerned about that. He had not thought about what would happen in Dayton if the cats were brought back. He now has seen the negative effects that it has had on Mr. Culp - where are his property rights. He would like to tweak the ordinance so that the cats are not brought back to an urban area. Commissioner Coleman understands the science behind the program but the cats are still going to go on people's porches or under their decks. That is the issue to him, the Culp family and Mayor Boruske in Dayton. He stated that Dr. Pizano said that it upsets the cats to take them out of their environment. Ms. Serra stated that she never heard Dr. Pizano say that it upsets them but that it disrupts the vacuum effect of the population. She stated that if they do not bring the cats back, the options are to euthanize them, which equal numbers of people don't want, or to infringe on the property owners rights in the unincorporated areas of the County by putting them in those areas. The cats are brought back to areas from which they came

and eventually the population will stabilize over time. They're either euthanized and put in the Rumpke bin or put in other neighborhoods. They are distributed where they belong and over time, the numbers will dwindle. Commissioner Coleman stated that if you put animals anywhere there is food and water they are happy whether it is Dayton or California. Mr. Franzen stated that anybody feeding the cats would be cited. Mr. Culp Sr. thanked Commissioner Coleman for understanding. All of the cats should not be brought back to an urban area. Mr. Culp Jr. stated that if they bring them back to an urban area they should define community cat caretaker and find a volunteer in the neighborhood so that people in the neighborhood have a point of contact. Commissioner Lampe stated that in this situation, he would do the same thing that Mr. Culp Sr. did – he would be upset and go to the elected officials and administrators. He stated that Kim, Lisa and staff have taken this issue seriously. The Fiscal Court has taken a step forward with the ordinance giving it a vehicle to cite people for feeding cats. It should help alleviate if not eliminate the problem over time and it may need tweaking. Commissioner Lampe stated that he is confident that Ms. Serra and Ms. Krummen are on top of the issue. They have addressed the Animal Control Officer through her employer, and thanks to the Culp's, the Cities are aware of the problem. Staff will keep monitoring the situation and the Fiscal Court is open to change and improvements. He thanked Mr. Culp for bringing it to the Fiscal Court's attention. He also thanked staff for their diligence. Mr. Culp Jr. stated that once animal rights groups like the Tri-State Noah Project become aware of this ordinance prohibiting people from feeding cats, they will find caretakers and donate food to them for the cats. Commissioner Painter pointed out that this ordinance has nothing to do with the policy on TNR, it is basically a definition of a nuisance animal. Commissioners Lampe and Painter voted "AYE", Commissioner Coleman voted "NAY" and the motion passed. Commissioner Coleman stated that the ordinance does not go far enough and the cats should not be returned to urban areas.

New business was presented beginning with Resolution R-84-18. R-84-18 establishes the 2018 Ad Valorem Tax Rates for Campbell County. Commissioner Lampe made a motion to adopt R-84-18, seconded by Commissioner Painter. Commissioner Painter pointed out that this resolution sets the tax rates for real property, personal property, motor vehicles and watercraft. Mr. Elberfeld stated that the recommended tax rates are the same as 2017 and explained how staff determines their recommendation for the tax rate that will generate the funds needed in the approved budget. This year due to some growth in the assessments, staff recommends keeping the rate the same as last year. It will satisfy the needs of the budget for this year. Commissioner Coleman stated that the last time the rates stayed the same was 2003-2004. This is an election year and that is why the rates are staying the same. Commissioner Painter explained that the Fiscal Court could go below the compensating rate this year and still meet the budget because of a healthy economy. He added that the jail is being run well, building permits are up, quite a few fees are getting healthier, the County has under 3% unemployment and workforce participation rate is at its peak. When the economy booms, receipts increase for all revenue lines and there is no need to raise the tax rate. If the economy were a little better, the rate would go down. All voted "AYE" and the motion passed.

Resolution R-81-18 authorizes the Judge/Executive to execute a contract with the Northern Kentucky Independent District Health Department to administer the Northern Kentucky Dental Program. Commissioner Lampe made a motion to adopt R-81-18, seconded by Commissioner Painter. Commissioner Coleman asked Mr. Elberfeld to give a quick review of the contract. He

pointed out that several years ago an employee was given a raise to handle this program. Mr. Elberfeld explained that the employee's level of involvement with the program will remain for billing and reconciliations, and day-to-day oversight. The County has had a dental program for a long time. It was previously administered by the NKADD and the Fiscal Court employee also worked on the program. The reason that the Health Department is involved is that Boone and Kenton Counties are interested in creating a dental program. Therefore, a regional three-county dental program was created to be administered by the Health Department. He stated that in addition to picking up the responsibility of the dental program, the employee also took on responsibility for the solid waste program. The Fiscal Court had a part-time solid waste coordinator that made about \$30,000 per year. That job was not filled, and the employee's raise was around \$5,000. There was a reduction in the overall Assistance Program staff from 2.5 FTE to one. All of those factors combined justify the \$5,000. Commissioner Coleman agreed then asked why the Fiscal Court is paying the Health Department \$150,000 if she is doing all of this work. Mr. Elberfeld stated that this money is for the actual program; she is not a dentist or hygienist. The Local Board of Health used to fund a program that paid for dentures and emergency dental work. Commissioner Coleman asked if the Health Department would choose the dentists. Ms. Serra explained that the Fiscal Court has had relationships with a number of dentists over the years. She thinks that Campbell County patients will continue to see the majority of dentists that have been working with the Dental Program. The Health Department will solicit dentists who want to participate in the program in all three counties. She stated that the money paid to the Health Department is for the actual dental services. The Health Department will get an administrative fee. Commissioner Coleman stated that the Fiscal Court has its own person to administer the Program and now the Health Department will also be paid to administer it. Ms. Serra did not have the exact amount paid to the Health Department for the administrative fee. Commissioner Coleman stated that this is what is called bureaucracy. Commissioner Painter recapped the purpose of the resolution and called for a vote. Commissioner Coleman stated that he is not opposed to the plan but it seems that levels of bureaucracy could be eliminated. Campbell County taxpayers are paying for this service, he just questions how it is administered. All voted "AYE" and the motion passed.

Judge Pendery arrived at 6:20 pm and Commissioner Painter asked for a recess to allow Judge Pendery to take his seat. Judge Pendery apologized for being late. He explained that the Nunn Drive/NKU project is in the process of making application to the Economic Development Cabinet in Frankfort for various incentives. The first hearing was held today and all hurdles were cleared. It will be a wonderful project for the area. Cabinet Secretary Gill (KY Cabinet for Economic Development) was present at the hearing. Unfortunately, the meeting did not end until 4:30 and traffic caused a delay on their return to northern Kentucky.

Resolution R-82-18 authorizes the Judge/Executive to execute contracts with NorthKey Community Care, Dr. Mark Kroger and Dr. Keli West to provide guardianship and involuntary hospitalization evaluation services when the Fiscal Court is responsible for payment under KRS 387.540. Judge Pendery made a motion to adopt R-82-18, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-83-18 authorizes the Judge/Executive to apply for 2019 Litter Abatement funding from the Division of Waste Management. Commissioner Lampe made a motion to adopt R-83-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-85-18 authorizes the Judge/Executive to execute an Affiliation Agreement with the Northern Kentucky Regional HazMat/Weapons of Mass Destruction Unit Inc. for hazardous materials response services. The term of the agreement is one year and the Fiscal Court's contribution is 13 cents per capita or approximately \$11,743.68. Judge Pendery made a motion to adopt R-85-18, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-86-18 authorizes the Judge/Executive to apply for Fiscal Year 2019 Rescue Aid Program Grant funding through the Kentucky Division of Emergency Management to purchase a multi-band mobile radio for the Campbell County Office of Emergency Management. Commissioner Lampe made a motion to adopt R-86-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-87-18 authorizes the Judge/Executive to request additional Emergency Management Performance Grant (EMPG) funding through the Kentucky Division of Emergency Management to purchase equipment. Commissioner Lampe made a motion to adopt R-87-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Ordinance O-10-18 was presented for a first reading. O-10-18 updates the official County Maintained Road List in Campbell County, Kentucky to add Harlequin Court (CR 1563). No vote was taken on the first reading of this ordinance.

A motion was requested to accept the resignation of Sarah Manhardt, Fitness and Wellness Coordinator at the Campbell County Senior Center, effective August 17, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Judge Pendery stated that Ms. Manhardt has done a good job at the Senior Center and she will be missed. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Veronika Brannock, Part-time Senior Center Wellness Assistant, effective August 17, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to temporarily assign Theresa Connaughton to seasonal status effective August 20, 2018 with compensation set at \$18.40 per hour (the minimum pay rate of Pay Grade 12) until a full-time replacement for the Wellness/Fitness Coordinator is approved by the Fiscal Court. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Colten Hoskins as a seasonal Parks and Recreation Maintenance Worker effective August 16, 2018 with compensation set at Pay Grade 9, \$11.10 per hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to reappoint Tracy A. Smith to the Campbell County Public Library Board of Trustees for a four-year term effective October 1, 2018 through September 20, 2022. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioner Coleman stated that he talked to Ms. Smith about two concerns he has with the Library Board and she answered him. His first concern is that the Library Board does not allow Cable to tape its meetings. He asked if she would stand on behalf of the citizens and taxpayers so that people could see the meetings and Ms. Smith said that she would not. Secondly, the Library Board does not take questions at its meetings; questions must be submitted in writing and the Board will respond, but then nobody else hears the answer. She was not willing to stand for the liberty of our citizens to stop that practice, so he will vote "No". Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

Mr. Franzen asked Police Chief Sorrell if the person who rammed the police cruiser is in custody. Chief Sorrell stated that the person is in custody on other Kentucky charges. CCPD along with other agencies facilitated his arrival at the jail. They will be meeting with the Commonwealth Attorney's office to address the charges in Campbell County. He has no reason to believe that the person will be out of jail in the near future. The police were unable to find him the morning of the incident. There was a sighting and search in Camp Springs but they confirmed that it was not the same person. Mr. Franzen stated that he received many questions asking why the police had not found the person. He told them that the person would be caught. Judge Pendery agreed that there was a lot of talk about this incident and the difficulty of catching somebody when there are no obvious clues. Chief Sorrell described the search in heavy brush. Fortunately, the leads that they pursued panned out.

Commissioner Coleman echoed the same thoughts and words. He thanked the Chief and stated that by God's grace Carl Harris is okay.

Commissioner Painter stated that last Saturday was the Festival on the Lake. Staff put on a great event. There were a few weather issues, but by evening, the bands were playing and there was a good crowd. He congratulated the County Staff and the CDC. Judge Pendery echoed his comments; it is a lot of work and they are always at the mercy of the weather. The venue has matured very nicely; the stage is a wonderful addition to the amenities of the Park and the contouring and drainage work at the site has been an improvement.

Judge Pendery announced that the Fiscal Court will hold a fall session of the Campbell County Citizens' Academy. This is an 8-week educational program designed to improve civic education and increase citizens' engagement in County government. The session will run from Monday, September 10 through Monday, October 29 from 6:30 to 9:00 PM. More information and an application is available at www.campbellcountky.org or the Campbell County Facebook Page. Judge Pendery stated that some of the sessions may not be of interest to everybody but a lot of them are. Participants get to visit the jail. Last year there was an economic development panel discussion on economic success stories in northern Kentucky. The Citizens' Academy is a wonderful education of local government and he would encourage people to apply.

Judge Pendery announced that the 51st Annual Senior Citizen Picnic will be held on Thursday, September 20 from 11am to 4pm at Pendery Park in Melbourne. Tickets are \$10 in advance and

\$15 at the gate and may be purchased at the Campbell County Senior Center and the Campbell County Administration building.

Commissioner Lampe announced that this is the last Fiscal Court meeting before the Alexandria Fair. The Fair commences with a parade on August 29 and runs through Labor Day.

Marie Schenkel requested a motion to accept the proposal of Atkins-Elrod & Associates to serve as the Fiscal Court's Community Development Block Grant consultant in the event that the County participates in a CDBG application process. Atkins-Elrod was the only proposal received. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to solicit proposals for the following projects at A J Jolly Park: repaving of the improved campground area including camping spots and roads, replace 20 cross culverts on the main campground road, and full depth road repairs on the campground road in several areas. All projects are included in the FY 2019 budget. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to purchase a Ford Escape from Paul Miller Ford at the State Contract price of \$25,991.58, for use by the IT Director. This vehicle will make it easier for him to transport equipment. The Ford Taurus that he currently uses has about 107,000 miles, is in need of repairs, has rust and safety concerns. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioner Coleman stated that he will not vote against this purchase. 107,000 miles is not a lot but it is a 2003 model. The memo says that the current vehicle, a Ford, has routinely had much higher amounts of maintenance compared to its drive usage; it seems strange that they are buying another Ford. If there were problems with a Ford, why would you buy another Ford. He added that it does make sense to buy the Escape. All voted "AYE" and the motion passed.

Resolution R-80-18 grants Campbell County Sheriff Mike Jansen his Quietus for 2017 tax collection. Ms. Schenkel stated that this means that the Fiscal Court has settled its accounts with the Sheriff. Judge Pendery made a motion to adopt R-80-18, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Marie Schenkel requested a motion to approve budget transfers as presented for August 15, 2018. She 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 August 15, 2018. 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 Painter. All voted “AYE” and the meeting adjourned at 6:45 pm

Attachments:

Ordinance O-08-18	Update Official County Maintained Road List
Ordinance O-09-18	Amend Code of Ordinances
Resolution R-84-18	Ad Valorem Tax Rates
Resolution R-81-18	Contract with NKY Health Department
Resolution R-82-18	Contract for Professional Evaluation Services
Resolution R-83-18	Application for Litter Abatement Grant Funds
Resolution R-85-18	Affiliation Agreement with NKY HazMat/WMD Unit
Resolution R-86-18	Application for Rescue Aid Program Grant Funds
Resolution R-87-18	Application for Emergency Management Performance Grant Funds
Ordinance O-10-18	Update Official County Maintained Road List
Resolution R-80-18	Sheriff's Quietus for 2017 Tax Collection
Budget Transfers Dated August 15, 2018	
Claims Dated August 15, 2018	

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk