

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

March 4, 2009

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, March 4, 2009, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
MARK HAYDEN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Jim Seibert	Director of Fiscal Affairs
James A. Daley	County Attorney
Col. Keith Hill	Chief, Campbell County Police Department
Lt. Col. Todd Straman	Assistant Chief, Campbell County Police Department
Lt. Barrett Champagne	Campbell County Police Department
Ron Schneider	Office of Emergency Management Interim Director
Paula Spicer	Fiscal Court Clerk
Naguanda Deaton	Director of Human Resources
Brett Ruschman	Director of Information Technology
John Austin	Government Relations Manager

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

The Campbell County Police Honor Guard presented the colors.

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 regular Fiscal Court Meeting held on February 18, 2009 were presented. Motion was made by Commissioner Hayden, seconded by Commissioner Otto, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Rob Hans, Chief District Engineer, Kentucky Transportation Cabinet District Six, presented the 2009-2010 Rural Secondary Road Program for Campbell County. This year's allotment for rural secondary roads in Campbell County is \$582,700, of that amount \$246,600 is dedicated for routine maintenance and traffic issues, a carry-over of \$85,167 from last year is added and expenses of \$3,862 deducted, leaving \$417,402 to be used on projects. Mr. Hans reviewed the recommended projects which were provided previously to the Fiscal Court, and include the following roads: resurfacing of Clay Ridge Road (KY 1936), Carthage Road (KY 1996), Tollgate Road (KY2924), and slide repair on Tollgate Road. The total of these projects runs a little over the allotment, however they are hopeful that bids will come in under their estimates. One additional project that is also recommended is the resurfacing of another portion of Clay Ridge Road. Mr. Hans advised that any funds from the stimulus plan will be used on projects that are already in the 6 year plan and that are shovel-ready. Any projects using federal stimulus funds must meet federal design guidelines. Judge Pendery stated that Campbell County staff will review the projects recommended by the Highway Department. Mr. Hans stated that three resurfacing projects delayed from last year, East Alexandria Pike, Flag Springs Pike and Stonehouse Road, are scheduled to be done as soon as construction season starts.

Judge Pendery announced that Ken Knipper has retired as Director of Campbell County's Office of Emergency Management. Judge Pendery enumerated some of Mr. Knipper's personal and professional accomplishments, and presented Mr. Knipper with a watch in recognition of his retirement. Ken Knipper stated that Campbell County has one of the finest emergency operation plans of any county in the state. He cited the emergency resource information list developed by Ron Schneider which has been copied all over the state, and the fact that they are one of less than 1,000 counties in the country that have a storm warning designation by the National Weather Service thanks to the efforts of John Griswold. Mr. Knipper thanked the Fiscal Court, his staff and his wife Peggy for their support over the years.

Judge Pendery next announced the retirement of David Fickenscher, reviewed his record of 22 years of service with the Campbell County Police Department, and presented him with a watch in recognition of his retirement. Chief Hill stated that Detective Fickenscher has been a very dedicated officer over the years, and supportive of the Chief's office. David Fickenscher thanked his family and introduced his three children who were present. He stated that the Campbell County Police Department is a top-notch organization, and he doesn't regret one second that he worked there.

Judge Pendery made a motion to appoint Eric Lee Surber to the position of Patrolman Grade II effective March 22, 2009 with compensation set at Grade 10A (\$17.9795/hour), seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Judge Pendery made a motion to appoint Geoffrey Scott Lucas to the position of Patrolman Grade I effective March 23, 2009 with compensation set at Grade 9A (\$17.1234/hour), seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Judge Pendery then administered the oath of office to Messrs. Surber and Lucas.

Chief Keith Hill presented the following officers with awards earned in 2008:

Outstanding Achievement Awards to Patrolmen Marty Hart and Zachary Rehtin
Fit for Duty Awards to Patrolmen Zachary Rehtin and Nicholas Heiert
Departmental Impaired Driving Detection and Apprehension Award and Patrol Related
Drug Violations Award to Patrolman Nicholas Heiert
Departmental Safety Belt and Child Safety Restraint Enforcement Award and Speed
Detection and Apprehension Award to Patrolman Mark Wilke
Award for five years of service to Patrolman Jeremy Newberry

Lt. Col. Todd Straman presented the 2008 Campbell County Police Department Annual Report. He began with personnel highlights including awards, promotions, new hires and retirements. Next he spoke about what a great asset the Volunteers in Police Service (VIPS) program is to the Department. Collectively the six VIPS donated 1,909 hours to the Police Department in 2008. Lt. Col. Straman reported that the Department received 51,909 calls for service in 2008, and gave the number of crimes reported and how many were cleared. He then reported on criminal investigations and traffic and accident investigations, including the Drunk Driving Campaigns and Click-It or Ticket Campaigns. He reported on various functions in which the Honor Guard participated, and some notable activities in the Department such as the purchase of five cruisers, installation of cameras in patrol cars, painting of the entire interior of the Police Department and repaving of their parking lot. Lt. Col. Straman reviewed the Goals and Objectives of the Department for 2008 and 2009. He concluded his report by announcing that the Annual Report is online and accessible through the County's website.

Chief Hill introduced two of the members of the Campbell County Police Force Merit Board: Keith Daniels, Secretary, and Bill Voelker, Vice-Chairman. The other members Rees Hardy, Van Needham and Al Futscher were unable to attend. Chief Hill explained that the Merit 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 Bill Hoffstetter who retired last year after over 24 years of service as a member of the Merit Board and as secretary. On behalf of the Police Department, Judge Pendery and the Commissioners, Chief Hill thanked these gentlemen for their service to Campbell County. Judge Pendery stated that the purpose of the Merit Board is to keep politics out of the discipline and hiring practices of the Police Department. Commissioner Hayden stated that the Merit Board does a terrific job; he thanked them for their commitment of time and talent.

Chief Hill then recognized and presented Certificates of Appreciation to the Volunteers in Police Service (VIPS). Lt. Barrett Champagne introduced VIPS Sammy Roberts, Glen Racke, Chris Schulken, Geoff Lucas, Jerry Jones, Vera Powell and William Heck, and announced the number of hours each has volunteered in the last year. Member Ian Byrne was not present. Chief Hill stated that the reason that the Police Officers are able to get so much accomplished is due to the assistance that they get from the VIPS.

Judge Pendery invited anyone in the audience who wished to address the Fiscal Court to come forward. J. R. Roth, citizen, stated that in regards to the cable TV franchise issue, the whole county needs this service, not just a select few. In regard to the water rescue thing, he asked what was the value of the equipment that is being given away. Judge Pendery stated that there is

about \$157,000 worth of equipment involved in the transaction, however it is not being given away, the County retains rights to the equipment. He stated that the merger of the two units will provide better service across northern Kentucky; both Campbell and Boone Counties are making contributions. Mr. Roth stated that \$157,000 worth of Campbell County equipment will be transferred to Boone County; the title to it will go to the merger. Robert Horine stated that he will explain the merger in greater detail later in the meeting.

Melissa Williams advised that there was no old business for the Fiscal Court to consider. She presented new business beginning with Resolution R-22-09 which was read by title and a summary given. R-22-09 grants a twelve (12) year competitive franchise for the operation of a cable television system within the confines of the unincorporated territory of Campbell County to Cincinnati Bell Extended Territories LLC (CBET). Jennifer Teipel, Executive Director of the Campbell County Cable Board, and two Board members were present to answer any questions regarding the franchise agreement. Judge Pendery stated that now there will be an additional cable TV company in Campbell County, creating competition which should improve services for residents. Commissioner Otto made a motion to adopt R-22-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Ms. Williams then presented several personnel items by requesting a motion to adjust the salary of Patrolman Nicholas Heiert from Grade 2, 10D (\$19.3620/hr) to Grade 3, 11C (\$19.8342/hr) in accordance with the current agreement with the Fraternal Order of Police. Judge Pendery made the motion, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to hire the following seasonal employees for the 2009 Park Season: Charles Rauch and Roger Church both as Golf Course Maintenance Workers effective March 4, 2009 through the 2009 Park Season. Judge Pendery made the motion, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to appoint Robert Reinecke to the position of Occupational Tax Compliance Officer in the Occupational License Office of the Fiscal Department with compensation set at Grade 11L (\$41,716.00/yr) effective March 4, 2009. Judge Pendery made the motion, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

The next motion was a request to approve acceptance of the Consumer Price Index (CPI 0.0917) as calculated by the Governor's Office for Local Development to set the annual compensation for the following elected officials for calendar year 2009 as required by KRS 15.765 retroactive to January 1, 2009: Steve Pendery, Judge/Executive, and Greg Buckler, Jailer. Judge Pendery made the motion, seconded by Commissioner Hayden. Judge Pendery pointed out that the law requires these two positions to accept the money, but allows them to give it back, and in light of economic circumstances he and Mr. Buckler have chosen to do that. All voted "AYE" and the motion passed.

A motion was requested to set the annual compensation for the positions of County Commissioner and County Coroner for the calendar year 2009 as provided for in Resolution R-18-94. There will be no change in compensation from 2008 to 2009 retroactive to January 1, 2009, for County Commissioners Dave Otto, Ken Rechlin and Mark Hayden, and County

Coroner Mark Schweitzer. Judge Pendery made the motion, seconded by Commissioner Hayden. Judge Pendery stated that the elected officials feel that it is important to set an example and there will be no increases in their salaries this year. All voted "AYE" and the motion passed.

A motion was requested to set the annual compensation for 2009 for the Campbell County Attorney James A. Daley. Said compensation is set at the same rate of compensation as the former County Attorney, with Mr. Daley declining the CPI, effective January 1, 2009. Judge Pendery made the motion, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Ms. Williams presented one appointment for consideration. She requested a motion to appoint Taunya Nolan Jack to the position of Law Library Clerk for the Campbell County Law Library with compensation set at \$1,200.00 annually effective January 13, 2009. This position is governed by KRS 172.110. Judge Pendery made the motion, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-20-09 which was read by title and summary given. R-20-09 authorizes the Judge/Executive to execute an agreement for water rescue services. This Agreement will effectuate the merger of the Campbell County Water Rescue with Boone County Water Rescue. He advised that Joe Davis, Chief of the Campbell County Water Rescue, and the Campbell County Office of Emergency Management staff were present and all are in support of this merger. Mr. Horine explained that Boone County Water Rescue is an agency of the Boone County Fiscal Court, while the Campbell County Water Rescue is a not-for-profit agency, and both are staffed entirely by volunteers. The merger will improve efficiency in several areas: increase the number of volunteers, eliminate duplicative costs particularly for insurance, achieve consistency in training, and combine assets to better serve the community. He stated that if the agreement is terminated, there is a provision whereby Campbell County will take back equivalent assets or cash payment equivalent to the value of the assets. The merged organization will continue to occupy and use the training facilities on Racetrack Road. There will be a year-around all-weather boat moored on the Ohio River in Campbell County which they have not had before. He stated that the Fiscal Court will make the same amount of contribution as it currently makes to the Campbell County Water Rescue. Commissioner Otto asked how much money would be saved on insurance costs. Mr. Horine replied that the savings would be approximately \$12,000 which could be used for training or equipment. Commissioner Otto made a motion to adopt R-20-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Robert Horine called upon John Austin to provide an update on the Federal Stimulus Plan and the status on action in the Kentucky General Assembly. John Austin stated that they have been in Frankfort to address issues facing Campbell County such as inadequate jail funding and pension costs. He advised that HB35 which allows counties the flexibility to locate certain offices in those areas of the county where the services are most needed has passed the house. This bill is very valuable to Campbell County. There are different interpretations as to where offices should be located such as the County Clerk, Sheriff and PVA Offices. If this bill passes it will allow Campbell County to maintain these offices in Newport where they've been for over 100 years, while the offices currently in Alexandria will remain where they are. Commissioner Hayden pointed out that the county symbol used by Campbell County for many years shows

locations of both the Alexandria and Newport Courthouses. He stated that Campbell is one of the unusual counties having offices in two locations. He stated that this bill is important because it gives us the maximum flexibility to consolidate offices in Newport and continue to do what is needed in Alexandria. It is sound fiscal policy for Campbell and other counties because it allows counties to put offices in locations where they can best serve the residents of the county and gives the ability to consolidate offices. Mr. Austin stated that there are approximately five other counties in Kentucky that are affected by this bill, notably Kenton County. Mr. Austin stated that they are monitoring SB112 which addresses the Highland Heights/Southgate Police Authority issue. Under the current system the merged agency is not allowed to participate in the pension system unless they also participate in the state health insurance system. This bill will allow them to stay in the pension system while obtaining private health insurance at a substantial savings.

Mr. Austin next addressed SB73 which prohibits Medicaid providers from charging higher rates for services to inmates. This bill is expected to pass the Senate and move on to the House. HB117 addresses pension costs of counties and local governments. It establishes a 10 year phase in period for the required employer contributions. HB 287 helps the Northern Kentucky Drug Strike Force with funds by assessing an \$85 drug service fee for certain drug offenses. Mr. Austin stated that another bill that has gotten a lot of attention is the gas tax. This tax is tied to the wholesale price of gas. The intent is to freeze the gas tax, so that it does not drop below the current rate. The consequences of a lower rate would be the possibility of no new road plan, and a statewide \$51 million loss, a \$123,100 loss to Campbell County's road fund, and \$116,500 loss to Campbell County's Rural Secondary Road Funds.

Mr. Austin stated that they are learning more every day about the American Recovery & Reinvestment Act. At this time Kentucky's share of highway funds will be \$421 million. Campbell County has projects that are ready to go, particularly the US 27 project. There is a delegation working very hard to move this project through. In addition Northern Kentucky will receive \$8 million dollars which will go to OKI in connection with its transportation improvement plan. There will be funds for water infrastructure projects that are ready to go by June, and anything left after June must be committed by the end of the year. Campbell County has two projects that meet the criteria: Moock Road water main replacement project and Siry and Flatwoods Road project which will serve about 20 new customers. He stated that there will be funds for sewer infrastructure and the Sanitation District No. 1 is working diligently to secure some of these funds. The Byrne Grant will receive \$2 billion nationwide which funds much of the Northern Kentucky Drug Strike Force. In the area of telecommunications, the County will seek funds for broadband expansion within the County. Health Information Technology funds will also be available and they will be working with Northern Kentucky University who is in a prime position to get these funds. Mr. Austin advised that the I-471 pavement rehabilitation project has received \$380,000 in the Omnibus Appropriation Bill, and they are waiting for the bill to be passed by the Senate. Commissioner Otto stated that if the Sanitation District No. 1 gets a substantial amount of funding, they need to make the Covert Run project in Bellevue a priority. Bellevue has raised a lot of money for this project on the premise that the Sanitation District would match it. Commissioner Hayden stated that several governors have expressed concerns that there will be strings attached to the money that is part of the federal stimulus bill. Does any of the money that Campbell County is trying to get from this bill have strings attached. John

Austin replied that he is not aware of anything like that. In particular the highway funds require no local match, it is all federal funds. There may be a match required for water infrastructure projects through the Kentucky Infrastructure Authority who will be distributing those funds. Judge Pendery stated that there is a direct correlation between the quality of our representation in Frankfort and Washington and the amount of money that the County gets. He complimented Mr. Austin on his good work.

Commissioner Otto stated that over the last couple of months the Fiscal Court has talked a lot about money problems and how we are handling the financial crises that the country is in. He asked Jim Seibert and Robert Horine if they could give him an idea of how much money and man hours have been spent defending the courthouse lawsuit because it is not covered by insurance. He stated that on one hand, the County is trying to save money, and on the other hand, somebody has filed in his opinion a ludicrous lawsuit which is costing the taxpayers how much money. Robert Horine responded that direct costs for legal services are over \$20,000. He said that the number of man hours spent is significant, probably into the 100's, responding to information requests and doing our due diligence. Commissioner Otto stated that this is a substantial amount of money that he believes is costing the taxpayers of Campbell County. He stated that there is currently a bill that the Senators, Senator Stine, Senator Thayer and the rest of the Senators, should be behind to help the County in a situation that could cost the taxpayers \$100,000's, all because of a lawsuit that he considers political BS. Commissioner Otto stated that the individual who filed the lawsuit against the County is a mean-spirited, vindictive person who goes around saying that he's doing this in the best interest of Campbell County. He stated that Campbell County's best interest for the last 135 years has been County offices in the City of Newport; no one can deny that. He stated that they built a new building for the County Clerk's offices in Alexandria. The argument for using the Alexandria Courthouse for County offices is the most ludicrous thing that he's heard. He stated that the bottom line is, the Fiscal Court tries to save money and this lawsuit has cost the taxpayers of Campbell County probably \$40,000-\$50,000. This money could have been spent on police or other services to the citizens of Campbell County. He wishes that the individuals that are behind the lawsuit would just go away; this is a joke.

Commissioner Hayden stated that HB35 is not a republican or democratic issue; it passed the House with a lot of republicans voting for it. He is optimistic that it will pass the Senate. Judge Pendery stated that they will be in Frankfort working for this issue and others as outlined by John Austin.

Judge Pendery announced that the Campbell County Clean-Up event will be held March 27, 28 and 29 at three sites in Campbell County: the Police Department, Pendery Park and the Campbell County Road Department. In addition the Solid Waste Department is sponsoring a Shred Day on April 18 at the Alexandria Wal-Mart from 9:00 a.m. to 1:00 p.m. He stated that these events are always popular.

Judge Pendery reported that he was among a large delegation of people from Northern Kentucky who spent several days in Washington D.C. lobbying on a number of issues of interest to this area. He will give more details at a later date. He stated that if local government is to be effective, it must go to Frankfort, and then on to Washington D.C. If you don't ask you don't get

and if you don't have representation in those councils, the region's needs will not be met. He stated that we have very effective lobbying efforts in both Frankfort and Washington D.C.

Mr. Seibert requested a motion to approve transfers as presented for March 4, 2009. County Attorney James Daley stated that he reviewed the transfers and all appear appropriate. Motion was made by Commissioner Hayden, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for March 4, 2009. County Attorney James Daley stated that he reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Otto made a motion to adjourn, seconded by Commissioner Hayden. All voted "AYE" and the meeting adjourned at 9:15 p.m.

Attachments:

Resolution R-22-09 Cable TV Franchise Agreement
Resolution R-20-09 Agreement for Water Rescue Services
Claims and Transfers of March 4, 2009

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk