

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

September 22, 2004

A special meeting of the Campbell County Fiscal Court was held on Wednesday, September 22, 2004, at 5:30 p.m. at the Fiscal Court Conference Room, 24 W. 4th Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
WILLIAM VERST

Robert Horine	County Administrator
Jim Seibert	Fiscal Director
Justin Verst	County Attorney
Keith Hill	Interim Chief, Campbell County Police Department
Ken Knipper	Office of Emergency Management Director
Peter Klear	Director of Planning & Zoning
Melissa Williams	Director of Administration
Sandra Mulligan	Fiscal Court Clerk

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

Judge Penderly presented the minutes from the Fiscal Court meeting of September 8, 2004. It was moved by Commissioner Otto and seconded by Commissioner Rechtin that the minutes of the Fiscal Court meeting of September 8, 2004 be approved. All voted "AYE" and the motion passed unanimously.

Judge Penderly then asked if there were any citizens or public officials present who wished to address the Court. There were none.

Judge Penderly next requested items of Old Business be brought before the Court. Ms. Williams presented Ordinance O-20-04 for second reading and passage consideration. She explained that this Ordinance designates the Campbell County Planning & Zoning Director as the Designated Agent for enforcing Ordinance O-18-04 related to the division of agricultural land, and designates the Campbell County Planning & Zoning Commission as the Review Board that will hear appeals related to this issue. She noted that Peter Klear, Director of Planning & Zoning, was present to answer any questions. Judge Penderly inquired as to whether Mr. Klear had

received any questions or comments from any County residents. Mr. Klear responded that he had received none. There being no further discussion, Commissioner Rehtin made a motion and Judge Pendery seconded, to approve Ordinance O-20-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested that the next item on the Agenda be tabled, that being Resolution R-106-04 which relates to a contract addendum for ditchline work with the City of Dayton. She explained that staff believed the addendum had been finalized, but the City has since requested some additional work and the addendum is still in the process of negotiation. Judge Pendery approved the tabling of Resolution R-106-04.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was a request for a motion to proclaim October 3-9, 2004 as Fire Prevention Week in Campbell County. She urged all citizens to take precautions to protect the woodlands from damages of wildfires. The Proclamation was requested by Matt Haywood, Kentucky Forest Ranger Technician. There being no further discussion, Judge Pendery made a motion, and Commissioner Rehtin seconded, to approve the motion. All voted "AYE," and the motion passed unanimously.

Ms. Williams then presented Ordinance O-21-04 for first reading. She explained that this Ordinance amends the text of the Zoning Ordinance, Section 17.0 (D.2)-Notification Requirements. This amendment will allow adjacent property owners to be notified by first-class mail, rather than by registered or certified mail, of a zoning change. The amendment will also make the Zoning Ordinance consistent with present state law. The Campbell County & Municipal Planning and Zoning Commission voted to approve the requested change on July 8, 2004. She noted that Peter Klear, Planning & Zoning Director, was present to answer any questions. Commissioner Verst inquired as to whether Mr. Klear was confident that the readdressing allows the County to be effective with mailing first-class, rather than certified. He stated that, while Kentucky Revised Statutes allows the change, this had been an issue in the past with residents being notified of the readdressing of their homes. Mr. Klear responded that he believed the most important issue was to give residents enough notice so that they can attend meetings and provide input, if they choose to. He advised that there are three methods by which the notice is given, the most direct being through the mail, and also advertising in the paper, and posting a sign on the site. He believes that these three methods are very effective, but stated that for the time being notices could be mailed to both the old and new addresses in order to ensure residents' receipt of these notices. Commissioner Verst stated that his concern was mostly because of the readdressing, and asked if Mr. Klear felt that the mail delivery was not an issue. Mr. Klear advised that there had been occasions where residents had not picked up or even not signed for the certified mail for various reasons, which may prove registered or certified mailings to be a detriment. Ms. Williams then noted that no action was necessary on the Ordinance at this time and it will be acted on at the next Fiscal Court meeting.

Ms. Williams next presented Resolution R-108-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution designates the County Judge/Executive as the Agent to file a grant application with the Kentucky Division of Emergency Management to obtain \$4,860 in Federal funds that will allow the Campbell County

Office of Emergency Management to purchase an “encoder” which will be used to monitor, service and activate the Emergency Siren System from their offices. The grant application has been submitted due to the grant deadline, and the State requires this additional Resolution for the application to be complete. She noted that Ken Knipper, OEM Director, was present to answer any questions. There being no further discussion, Commissioner Rechlin made a motion and Commissioner Otto seconded, to approve Resolution R-108-04. All voted “AYE,” and the motion passed unanimously.

Ms. Williams then presented Resolution R-109-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the County Judge/Executive to execute a Contract with Environmental Recycling, Inc. for the removal of scrap white goods and scrap metal that will be collected during the County Cleanup, which will be held from October 22-24, 2004. She noted that Reno Deaton, Solid Waste Coordinator, is recommending the approval of the Contract. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechlin seconded, to approve Resolution R-109-04. All voted “AYE” and the motion passed unanimously.

Ms. Williams next presented Resolution R-110-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes a reduction in the cable rates at Lakeside Terrace Senior Apartment Building from \$15 per month to \$10 per month, effective October 21, 2004. Reno Deaton, Lakeside Terrace Manager, reviews the rates periodically and, after his current review, has determined that there are enough reserves in the cable account to make this reduction. There being no further discussion, Commissioner Verst made a motion and Commissioner Rechlin seconded, to approve Resolution R-110-04. All voted “AYE” and the motion passed unanimously.

Ms. Williams then requested a motion to adjust the salary of Patrolman Jeremy Newberry of the Campbell County Police Department from Grade 9A (\$33,394 annually) to Grade 9B (\$34,228 annually), in accordance with the current agreement with the Fraternal Order of Police. Said adjustment will be effective September 27, 2004. Patrolman Newberry is now eligible for the merit increase, and has held the same position for at least 6 months as of September 21, 2004, and received a positive performance evaluation. There being no further discussion, Judge Pendery made a motion and Commissioner Rechlin seconded, to approve the motion. All voted “AYE” and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Timothy Brannock to the Campbell County Cable Board for a two-year term, effective immediately through June 30, 2006. Mr. Brannock is currently employed by Fifth Third Bank and is very involved in the community. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted “AYE” and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine presented Resolution R-111-04, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes the County Judge/Executive to execute a contract with HealthPoint Family Care, Inc. for health care services at the Campbell County Detention Center. He advised that the contract term would be for a period of one year, and be renewal upon mutual agreement

on additional one-year terms. The monthly fee for these services will be \$5,333.33. He noted that the commencement date for the contract has not yet been determined, since HealthPoint is still in the process of securing the certification from the Federal government that their services will be covered under the Federal Tort Claims Act that provides their malpractice insurance. He stated that HealthPoint has assured him there would be no problem with this. Judge Pendery stated that he was very pleased that HealthPoint had stepped up to accept this position. Mr. Horine added that Kenton County had already approved HealthPoint as their provider of services for their detention center, and they are waiting for the final details also, and that Boone County is also discussing the same possibility with HealthPoint. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-111-04. All voted "AYE" and the motion passed unanimously.

Mr. Horine next gave an update on the receipt of proposals for construction management services for the new County Administration Building and multi-phase improvements to the Campbell County Detention Center. He stated that 4 proposals had been received, one each from Codell Construction of Winchester, Ky., URS of Cincinnati, Oh., Gilbane of Union, Ky., and Messer Construction of Cincinnati, Oh. Staff will begin the process to review the proposals and make a recommendation to the Fiscal Court after their full review.

Judge Pendery then requested a report from the County Attorney. Mr. Verst stated that he had nothing further to report from the County Attorney's office.

Judge Pendery next requested reports from the Commissioners. Commissioner Rehtin stated that the City of Alexandria is going through a comprehensive plan process and had an extensive showing at their public hearing on the matter. He stated that their planning includes unincorporated areas as well, and inquired of Mr. Klear as to whether that was a normal inclusion and how the County could ensure itself that the two plans collaborate. Mr. Klear responded that the area Commissioner Rehtin was referring to is referenced as the planning area. He noted it is fairly standard practice to look not only at the city limits, but also outside the city limits to areas which may have an impact on those city limits in the future. This will not supercede any plans that the County might have. He gave as an example the possible extension of Rt. 536. If that extension takes effect, the southern boundary of Alexandria will radically change. Commissioner Rehtin how it could be justified if Alexandria's plan calls for a planned unit development area in the mixed use, and the County's own plan shows the area should be rural for farmland. He questioned whether the plan that takes precedence for the unincorporated area comes from the County. Mr. Klear responded that the plan that takes precedence comes from the County, noting that the County's plan for the area that it is responsible for would take precedence since it is under the County's jurisdiction. He also noted that part of the comprehensive planning process is to look at what the County's communities have done in terms of their plans, and where possible, the County tries to have its plan and the community's plan interconnect. He explained that the City of Alexandria has not yet taken action on the plan, since they recognized that there was misinformation in the public, and has chosen to have another meeting to get citizens together to educate them more fully on what the city desires to accomplish.

Commissioner Verst then stated that as far as the planning process, the County would obviously want to encourage annexation, and given that, it would be reassuring to citizens if they knew that the City had a particular design on what they wanted to do. Mr. Klear agreed and stated that that is part of what the City will be doing. He noted that he believes the plan is a good one and there are certain advantages that city governments have over county governments, which may be beneficial to them in this circumstance. He advised that the County will be making changes to their comprehensive plan so that as projects come on line and the potential exists to be annexed into Alexandria or any other city, a product will be available that is as good, if not better, than what the standard is.

Commissioner Verst stated that it was good to be back with Judge Pendery and his fellow Commissioners after his surgery; Judge Pendery noted it was good to have him back.

Commissioner Otto stated that he had nothing further to report at this meeting.

Judge Pendery reminded everyone that, due to scheduling conflicts, the Fiscal Court meeting scheduled for October 6, 2004 would be held on Tuesday, October 12, at 7:00 p.m., at the Alexandria City Building, 8330 N. Main Street, Alexandria. He also reminded everyone that the County Clean-Up would take place on October 22, October 23 and October 24, 2004, with additional details to be provided at a later date. He advised the media reporters who were present at the meeting that any help they could give in getting this information publicized would be greatly appreciated.

Judge Pendery then requested a report from the Fiscal Director. Mr. Seibert requested a motion to award the bid for purchase of salt for the Road Department to Morton Salt at a cost of \$36.88 per ton. He explained that this rate is an increase of 7.3% over last year's rate. Notification was received from three other companies who declined to bid because they could not guarantee their supplies. Commissioner Otto inquired as to whether there would be any back-up for Morton Salt. Mr. Seibert advised that the County requires the companies to guarantee that they will have the product available. He will discuss the possibility of a back-up with Ken Schultz, Director of the Road Department. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next presented Ordinance O-19-04 for second reading and passage consideration. He explained that this Ordinance sets the 2004 tax rates for Campbell County. He noted that the property tax rate would remain the same as last year at 10.5 cents per \$100 of assessed value. There being no further discussion, Commissioner Rehtin made a motion and Judge Pendery seconded, to approve Ordinance O-19-04. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to approve the 2004 Countywide taxing district rates, excluding school districts. He explained that this is a requirement of the State that they be provided with a listing of the tax rates for the special districts. There being no further discussion, Commissioner Rehtin made a motion and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested a motion to approve the Transfers being presented at this meeting. He explained that these were necessary to transfer funds from one account to another as needed. There being no further discussion, Commissioner Rechlin made a motion, and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested a motion to approve the Claims being presented at this meeting. County Attorney Verst stated that he had reviewed the Claims submitted to the meeting and they appeared to be appropriate. There being no further discussion, Commissioner Otto made a motion that the Claims be approved and paid. Commissioner Verst seconded the motion. All voted "AYE" and the motion passed unanimously.

There being no further business to come before the meeting, it was moved by Commissioner Otto, seconded by Judge Pendery, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 5:58 p.m.

Attachments:

Ordinance O-19-04: Amendment of Fiscal Year 2005 Budget
Ordinance O-20-04: Approval of Designated Agent and review Board Relating to Home Rule Statute Ordinance
Ordinance O-21-04: Amendment to Text of Zoning Ordinance
Resolution R-108-04: Grant with Kentucky Division of Emergency Management
Resolution R-109-04: Contract with Environmental Recycling, Inc.
Resolution R-110-04: Cable Rate at Lakeside Terrace
Resolution R-111-05: Contract for Health Care Services at Campbell County Detention Center
Transfers: September 22, 2004
Claims: September 22, 2004

Approved:

/s/ Steve Pendery
STEVE PENDERY, Judge/Executive

Attest:

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