

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

July 21, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, July 21, 2010, 5:30 p.m. at the Campbell County Fiscal Court Chambers at 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY COMMISSIONERS:

DAVID OTTO

KENNETH RECHTIN

MARK HAYDEN

Robert Horine

Melissa Williams

James A. Daley

Paula Spicer

Jim Seibert

Naguanda Deaton

Lt. Col. Todd Straman

Greg Buckler

Lisa Bowman

County Administrator

Director of Administration

County Attorney

Fiscal Court Clerk

Fiscal Director

Human Resources Director

Campbell County Police Department

Jailer

Animal Shelter Director

The meeting was called to order at 5:30 p.m. by Commissioner Otto.

Commissioner Otto asked for a moment of silence followed by the Pledge of Allegiance.

Commissioner Hayden made a motion appointing Commissioner Otto to preside over the meeting in the absence of Judge/Executive Steve Pendery, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Following roll call, a quorum was declared present. Cable Access was present to film the meeting.

Minutes from the Fiscal Court meeting held on July 7, 2010 were presented by Commissioner Otto. Motion was made by Commissioner Hayden, seconded by Commissioner Rechtin to approve the minutes. All voted "AYE" and the motion passed.

Commissioner Otto asked Ann Zeis to come forward. Ms. Zeis recently retired after 20 years service as an Animal Technician at the Campbell County Animal Shelter. Ms. Zeis's husband was present. Commissioner Otto presented her with a watch in recognition of her retirement. Ann Zeis stated that the Shelter is a wonderful place to adopt a pet. She will miss working there, but plans to go back as a volunteer.

Commissioner Otto called on Greg Buckler, Jailer, to begin his presentation. Mr. Buckler introduced his guests: Bobby Waits, Shelby County Jailer and President of the Kentucky Jailers Association, Mike Simpson, Oldham County Jailer and Vice-President of the Kentucky Jailers Association, and Steve Kellam, Grant County Jailer. Mr. Buckler explained that a few years ago the Kentucky Jailers Association created an award for deputy jailers. This year he nominated former Deputy Mike Brown for the award. He introduced Mr. Brown who left the Detention Center in February 2010 to take a job with the Northern Kentucky University Police Department. Mr. Buckler described an incident last year when Mr. Brown's quick actions save the life of an inmate who attempted suicide. Mr. Waits congratulated Mike Brown on his new job and then presented him with a Kentucky Colonel Award. Mr. Simpson presented Mr. Brown with the Deputy Jailer of the Year 2009-2010 plaque. Mr. Brown thanked them stating that it was an honor and pleasure to work with Mr. Buckler for two years; he also recognized Jim Daley, and Lieutenant Meyer whom he also appreciated working with.

Commissioner Otto invited comments from the audience.

Sarah Henry, a new resident of Bellevue spoke in favor of a smoking ban in Northern Kentucky. She and her husband chose to move to Bellevue because of the restaurants and bars, however when she meets with her friends they usually go to establishments in Ohio because there is no smoking. She is concerned about her health and the health of those around her and the long-term affects of smoking in public places. Ms. Henry urged the Fiscal Court to do whatever it takes to adopt a smoking ban.

Jennifer Mason, a Campbell County resident, spoke in favor of a smoking ban. She stated that she read an article in the newspaper five years ago about a smoking ban, and it is still being discussed. Ms. Mason submitted 31 letters from Campbell County residents who either work in establishments that allow smoking, or have been affected through the loss of loved ones due to cancer. She would like Campbell County to vote on a comprehensive smoke free law this summer.

Pat Lucas, resident of Wilder, addressed the Fiscal Court regarding the smoking ban. Mr. Lucas stated that with access to many kinds of media outlets, it is easy for one person to inform others when they get bad service at a business. He asked how many candidates will visit every biker bar, American Legion Post and VFW Hall in Campbell County and tell those so-called lower class voters that they voted for a smoking ban. Commissioner Otto stated that contrary to newspaper reports, he has not seen any proposed smoking ban ordinance, so he does not know the facts or details of any such ordinance. He stated that he has a no smoking sign in his business and hopes that people entering the building will respect that and not subject him or his employees to second hand smoke. Commissioner Otto stated that he has visited many biker bars over the years and he does not consider bikers lower class citizens. He reiterated that there is no ordinance to vote on at this time. Commissioner Hayden stated that he has not seen a smoking ban ordinance as reported in the newspaper; when it is presented, they will have something to vote on.

Erik Hermes, Campbell County resident, asked where the smoking ban ordinance will come from. Commissioner Otto replied that it will likely be drafted by the County Attorney. James

Daley stated that he is not drafting an ordinance, nor has he made any recommendation to the Fiscal Court regarding an ordinance. Mr. Hermes commended Commissioner Otto on making his business smoke-free; that is one of the beautiful things about America having the ability to make that choice. All property owners, whether the property is open to the public, should have the choice to allow smoking or not. Mr. Hermes stated that the majority of establishments in Campbell County are non-smoking. He hopes that property owners are able to continue to have that choice. Mr. Hermes stated that OSHA, the government agency that oversees safety and health in the workplace, has never recognized second hand smoke as a workplace hazard or health issue.

Commissioner Hayden stated that when an ordinance is drafted it will be subject to two readings. They will have an opportunity to review the ordinance and hear public comments at the time of the first reading of the ordinance.

Jim Pfister, Campbell County resident, stated that smoking is a very contested issue. In light of the upcoming election, he recommended that the smoking issue be put on the ballot for a public vote.

Lloyd Rogers, resident of Alexandria, announced that he delivered a petition to the Deputy Judge/Executive containing 1,700 signatures to put on the ballot the question of government restoration in Campbell County to return to the Justice of the Peace form of government. Mr. Rogers read the caption from the petition which is set forth in state statute: Are you in favor of a return to a Fiscal Court composed of the County Judge/Executive and eight Justices of the Peace who shall represent specific districts within the county.

Tim Nolan, resident of California, stated that he did not see a notice of this Fiscal Court meeting published within the last week either in the Campbell County Recorder or the Enquirer. James Daley responded that there was no notice published. His recommendation continues to be that the Fiscal Court will not answer that question because they do not feel that it is necessary to advertise the meeting. Mr. Nolan requested that the minutes reflect that he did not see a notice published, and further that this is an illegal meeting and that the commissioners are acting with malfeasance. When the Court of Appeals panel affirms that Alexandria is the one and only County seat, and the Commissioners are called to testify on this issue, he doesn't want them to say that they didn't know about the law, but rather they should say that they acted with willful and intentional malfeasance.

Louis Lebinsky, long time resident of Campbell County, stated that everybody should be aware that tax burdens from all levels of government continue an upward spiral with no end in sight. He stated that the Fiscal Court has proposed the maximum allowable tax increase of 4% without possibility of recall; this is the standard year after year. With the current environment of high unemployment, high federal and state taxes, taxes on gasoline, cigarettes, etc., high business failures and foreclosure rates, any tax increase in view of the County's high rainy-day fund of over \$6 million is unconscionable and insensitive to the residents of Campbell County. Mr. Lebinsky stated that in light of last year's inflation of 1.1% and this year's projection of 0% inflation, a 4% tax increase is unrealistic. He stated that three of his adult children have moved out of Campbell County due in part to high taxes. His friend's business went bankrupt which he

believes was due in part to heavy tax burdens and regulations; this man is in constant fear of losing his house to foreclosure.

J R Roth, Campbell County resident, stated that Campbell County cooperates with Tri-ED which represents eight counties. Those eight counties would not support a smoking ban. The group was reduced to four counties: Boone, Campbell, Grant and Kenton. Grant would not support a smoking ban and now Boone does not have the votes, which leaves two counties. As part of Tri-ED, if economic development is addressed as a region, then they should pass ordinances as a region including all eight counties.

There being no old business, Melissa Williams presented new business beginning with Resolution R-90-10 which was read by title and summary given. R-90-10 acknowledges an application made by the County Judge/Executive for a grant from the Murray and Agnes Seasingood Good Government Foundation. Ms. Williams stated that the application was due prior to the Fiscal Court meeting and has been submitted. The request is for \$14,110 to pay for the salary and FICA for an intern to work 20 hours per week. Commissioner Rehtin made a motion to adopt R-90-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-91-10 by title and summary given. R-91-10 authorizes and directs the Judge/Executive to enter into a Memorandum of Understanding with the Northern Kentucky Horse Network, Inc. for the purpose of establishing and maintaining horseback riding trails at A. J. Jolly Park. Mr. Horine explained that the members of the Northern Kentucky Horse Network (NKHN) have volunteered to develop and maintain 18 miles of horse trails at A J Jolly Park. They secured a \$10,000 grant to rent equipment to properly build the trails. Mr. Horine stated that it is time to enter into a Memorandum of Understanding with NKHN to define the roles and responsibilities of the County and NKHN. Commissioner Rehtin made a motion to adopt R-91-10, seconded by Commissioner Hayden. Commissioner Rehtin asked about the proposed sale of trail tags to help offset expenses. Mr. Horine advised that when it was discovered that the County's current insurance policy would not cover the horse trails, the NKHN was told that it would have to secure insurance. The NKHN was unable to get insurance since the trails would be available for use by the general public. The County has since acquired insurance for the trails. According to the terms of the Memorandum, the County will issue and receive the revenues from the tags to help offset some of the costs of the insurance. Mr. Horine stated that the next step will be to establish a trail tag system. All voted "AYE" and the motion passed.

Resolution R-92-10 was read by title and summary given. R-92-10 authorizes the expenditure of up to \$21,760 from Court Fee revenues to fund a portion of the cost of administering the Northern Kentucky Regional Mental Health Court in Fiscal Year 2011. Robert Horine explained that the Mental Health Court was established in an effort to save taxpayers money. It is recognized that a lot of people in jail have mental health issues which contribute to their recurring court appearances and jail stays. The creation of the Mental Health Court is an attempt to ensure that these people get the appropriate help, and that the judges will work with local care providers. Mr. Horine stated that this program was spearheaded by Campbell County District Court Judge Karen Thomas. In the first year and one-half the Mental Health Court secured

grants to cover 100% of its operation. They did not get enough grant funds this year, and the Court is seeking a total of \$90,000 from the Boone, Campbell and Kenton Fiscal Courts to continue the operation of Mental Health Court this year. This resolution authorizes an expenditure of up to \$30,000 from court fee revenues which are generated from users of District and Circuit Courts, for Campbell County's share. Mr. Horine stated that after talking to the other counties, they may split the cost on a proportional population basis which would reduce Campbell County's contribution to a little over \$21,000. He will advise the Fiscal Court of the final amount once it is determined. Commissioner Otto made a motion to adopt R-92-10, seconded by Commissioner Hayden. Commissioner Rehtin stated that he would like to see a copy of the Mental Health Court's budget. He further stated that he does not like to authorize expenditures on an "up to" basis, and feels that this should be shared on a prorated population basis. Mr. Horine stated that that amount would be \$21,760. Commissioner Rehtin stated that he is comfortable with that, but would still like to see the budget. Mr. Horine stated that the Mental Health Court has made commitments to their grant funders that they will operate the Court for the full year, and are eager to know if they have the support of the three counties. He recalled that the Commonwealth Attorney's FAST docket program generated a positive return on the County's investment. In the first seven months of operation, the Mental Health Court projected that they saved the counties over \$400,000 in jail operating costs by diverting people from jail. Commissioner Otto amended his motion to reflect that the County's expenditure will be based on population in the amount of \$21,760, seconded by Commissioner Hayden. All voted "AYE" and the motion passed. A member of the audience had a question, however Commissioner Otto proceeded with the meeting since the issue had already been voted on.

Commissioner Rehtin stated that he attended the Backroads Farm Tour last Saturday and was amazed at the number of things that are grown or made in Campbell County. He encouraged the organizers to continue this event.

James Daley reported that he met with Mr. Rogers prior to the meeting and Mr. Rogers did file a petition, for which Mr. Daley gave him a receipt. Mr. Daley stated that he believes that the petition is timely. Mr. Daley also advised that the Mental Health Court has a website containing a lot of information which may answer some of Commissioner Rehtin's questions.

Commissioner Otto announced that the Campbell County Mayors Meeting will be held on Tuesday, July 27, 2010 at 7:30 a.m. at the Wilder City Building.

JR Roth stated that a woman had just arrived who wanted to attend the meeting, but the doors were locked and she couldn't get in. He asked if this was a public meeting. A woman reported that the doors are locked and she walked around for 10 minutes before being able to get in. Robert Horine apologized stating that the doors are set to lock at 6:00 p.m. every day and were not reset for tonight's meeting.

Jim Seibert requested a motion to approve the claims as presented for July 21, 2010. County Attorney Jim Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. Commissioner Rehtin asked how long the Fiscal Court will continue to rent parking spaces for the District Court building. Robert Horine explained that the Fiscal Court currently rents parking in the former

Thriftway store lot across from the District Court Building. The Fiscal Court has been renting parking space for the convenience of visitors to the District Court building since parking was eliminated when the jail was expanded. The Fiscal Court pays \$2,000 per month for the lot and expects to continue this arrangement until the District Court moves out in late 2011 or early 2012. The expenditure is paid from court fee revenues. Mr. Horine stated that the Fiscal Court owns the District Court building and it will likely be used as part of the jail complex once the District Court offices move. JR Roth asked where the public parking will be for the new courthouse. He asked why the Fiscal Court is paying \$2,000 for parking now, but won't when the District Court moves to the new courthouse. Mr. Horine stated that the Fiscal Court owns the current District Court building. When the jail was expanded and parking eliminated, the Fiscal Court rented a lot to provide parking for the public. Mr. Roth wondered why they would not provide parking for the public at the new courthouse. Mr. Horine stated that the Fiscal Court does not own the new courthouse and therefore will not be responsible to provide parking. Commissioner Otto stated that it will be the responsibility of the Courthouse Commission to provide parking at the courthouse. 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 Rechlin. All voted "AYE" and the meeting adjourned at 6:25 p.m.

Attachments:

Resolution R-90-10 Application for Seasongood Good Government Foundation Grant
Resolution R-91-10 Northern Kentucky Horse Network Memorandum of Understanding
Resolution R-92-10 Northern Kentucky Regional Mental Health Court Funding
Claims of July 21, 2010

Approved:

DAVID OTTO
Campbell County Commissioner

Attest:

Paula K. Spicer
Fiscal Court Clerk