

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

October 17, 2012

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, October 17, 2012, 5:30 p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
PETE GARRETT
BRIAN PAINTER
KENNETH L. RECHTIN

Robert Horine	County Administrator
Steve Franzen	County Attorney
Melissa Williams	Director of Administration
Richard Lucas	Interim Fiscal Director
Paula Spicer	Fiscal Court Clerk
Kim Serra	Human Resources Director
Sarah Collins	Housing Department Director
David Plummer	Solid Waste Coordinator
Lieutenant Bill Wilson	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.

Prior to the start of the regular meeting a public hearing was held to receive public comment on the issuance of Industrial Building Revenue Refunding and Improvement Bonds for Brighton Properties Inc. Project. Ian Kofler, Peck Shaffer, bond counsel, explained that the proceeds of the bonds will be used by Brighton Properties to refinance an outstanding Series 2009 bond issue and to finance the acquisition of real property located at 11 Shelby Street, Florence, Kentucky. He stressed that this bond issue shall not constitute a debt or pledge on Campbell County as the issuer. There being no questions or comments, the public hearing was closed.

Minutes from the Fiscal Court regular meeting of October 3, 2012 were presented. Motion was made by Commissioner Rechlin, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Melissa Williams presented old business with a second reading of Ordinance O-12-12. O-12-12 authorizes the issuance of Industrial Building Revenue Refunding and Improvement Bonds, Series 2012 (Brighton Properties, Inc. Project) of the County of Campbell, Kentucky, in an aggregate principal amount not to exceed \$2,260,000, the proceeds of which shall be loaned to Brighton Properties, Inc. to: (I) refund outstanding obligations which in turn were issued to finance and refinance the acquisition, construction, installation and equipping of facilities; and (II) finance the acquisition of real property, all of the foregoing being suitable for use as health care and related facilities and as facilities in furtherance of the educational purposes of Brighton Properties, Inc. and Brighton Center, Inc.; providing for the pledge of revenues for the payment of such bonds; authorizing a loan agreement appropriate for the protection and disposition of such revenues and to further secure such bonds; authorizing a bond purchase agreement, tax regulatory agreement, mortgage and assignments; and authorizing other actions in connection with the issuance of such bonds. Commissioner Rechlin made a motion to adopt O-12-12, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the audience.

Ken Moellman asked for an update on the golf course. Robert Horine advised that there is much progress on the reseeding and growing of the greens. A consultant from the US Golf Association visited the course this afternoon to offer his opinion on the rehabilitation of the greens. The consultant was satisfied with the progress and offered some suggestions. Mr. Horine stated that they are using a new variety of turf-grass on the greens which will withstand heavy use.

Ken Moellman asked for an update on the California Cross Road bridge project. Mr. Horine advised that bids will be open for the bridge replacement on October 22, 2012. He advised that the road will be realigned and the bridge will be replaced with an aluminum culvert; they would like to have the work completed by the end of this year. Mr. Horine stated that if an acceptable bid is received, he may request a special meeting to award the bid. This has been a long process due to numerous unforeseen complications. Judge Pendery apologized for any inconvenience that the delay has caused. Mr. Horine stated that this project was not budgeted and after its second request, the County has finally received emergency road funds from the State.

Ken Moellman asked if there has been an increase in rentals at the horse campground. Robert Horine stated that there was a trail-ride event this past weekend and the campground was well used. There has been an increase in use of the facility this fall.

Judge Pendery invited Andrew Aiello, General Manager of the Transit Authority of Northern Kentucky (TANK) to provide a midterm update on recent TANK activities. Mr. Aiello reported that ridership in fiscal year 2012 was the highest in the past nine years. He gave some reasons for the increase in ridership and stated that they have received requests for cross-county routes and additional rural service. Mr. Aiello talked about the small bus pilot program which was conducted during the summer. He discussed the end of the DayTripper service which has been transitioned to the Senior Services of Northern Kentucky; he expects demand for more door-to-door transportation services in the future due to our aging population. Mr. Aiello talked about ways that TANK is trying to keep its costs down, particularly health insurance costs. He stated that one of TANK's future funding challenges is that the license fee used to fund transportation

was capped in 2005 by the State legislature giving TANK no protection from inflation. They intend to request that the legislature revise the statute and return authority to the fiscal courts. He answered questions about fares, how gas prices drive ridership, TANK's contract for fuel, future funding and evaluating the elimination of holiday service. Judge Pendery stated that Greater Cincinnati is one of the top destinations in the nation for tourism and that one in ten jobs in the region is tourism-related. He added that the Southbank Shuttle is a real asset to the convention and tourism trade in northern Kentucky. Mr. Aiello stated that they have a great partnership with the Convention and Visitors Bureau. TANK has entered into contracts with convention groups whereby they prepay for the privilege of using the shuttle and attendees get passes to use the shuttle as needed while in town.

Judge Pendery then called on Sarah Collins, Executive Director of Campbell County Department of Housing, to present an overview of activities in the Housing Department. Ms. Collins explained that the Department operates the Section 8 Housing Choice Voucher Program in Campbell and Pendleton Counties, with the exception of the City of Newport. The Program assists low income families with rental payments with funding through the US Department of Housing and Urban Development (HUD). Ms. Collins explained the eligibility criteria, application process, responsibilities of participants, and contracts with landlords. Campbell County has 673 vouchers available, and currently has 622 families on its program utilizing 99 percent of its funds. The program's waiting list was closed in 2010 and she anticipates clearing the rest of the waiting list by the end of this year. Ms. Collins then explained the Family Self Sufficiency (FSS) Program which has been administered by the Housing Department since 2003. Federal grant funds are used toward the salary and benefits of the FSS coordinator. Ms. Collins discussed the numerous housing authorities in northern Kentucky and the possibility of merging agencies.

David Plummer, Administrative Analyst, reported to the Fiscal Court on energy savings resulting from lighting upgrades installed in 2010-2011. In 2009 the Fiscal Court received an energy efficiency grant from the Department of Energy in the amount of \$370,000. A large portion of this grant was used to increase the energy efficiency of all County facilities. He displayed charts showing the savings realized during the last two years resulting from the upgrades and rebates from Duke Energy. The County did not borrow any money for this project and a portion of the grant funds not used by the County went to the Greater Cincinnati Energy Alliance. Mr. Plummer answered questions from the Fiscal Court and audience.

Melissa Williams presented new business beginning with Resolution R-115-12 by title and summary. R-115-12 authorizes the County Judge/Executive to execute a contract with Saint Joseph Church, Camp Spring, for the services of snow removal and ice maintenance for the 2012-2013 winter season, and for mowing and trimming services along the entrance road. The County has been providing snow removal services for some years. Under this agreement the County will also mow and trim weeds along the entrance road to the Church. Commissioner Garrett made a motion to adopt R-115-12, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-116-12 was read by title and summary given. R-116-12 authorizes the County Judge/Executive to execute an addendum to the contract between the Fiscal Court and the City of

Crestview, Kentucky to provide snow removal and ice maintenance services on streets in the City of Crestview, Kentucky for the 2012-2013 winter season. This is a renewal of an ongoing contract with Crestview whereby the County provides snow and ice removal while on their regular county route. Commissioner Rechtin made a motion to adopt R-116-12, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-117-12 was read by title and summary given. R-117-12 authorizes the Judge/Executive to execute a Waste Tire Grant Agreement for reimbursement of future or previously disposed tires. This Grant will provide the County with up to \$3,000 for disposal of waste tires during fiscal year 2013 with no match required. Commissioner Garrett made a motion to adopt R-117-12, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-118-12 was read by title and summary given. R-118-12 revises the payment standards to be used in Campbell County under the Campbell County Housing Choice Voucher Program. The US Department of Housing and Urban Development (HUD) annually revises fair market rents for Section 8 Housing and local agencies are required to comply with these standards. After a review of rents in Campbell County, it is recommended that the rent for 0-bedroom units be reduced from \$510 to \$489. Commissioner Rechtin made a motion to adopt R-118-12, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-119-12 was read by title and summary given. R-119-12 revises the payment standards to be used in Pendleton County under the Campbell County Housing Choice Voucher Program. In order to comply with HUD revised fair market rents, it is recommended that Section 8 Housing units in Pendleton County be adjusted as follows: 3-bedroom units shall be increased from \$916 to \$923 and 4-bedroom units increased from \$1,003 to \$1,017. Commissioner Rechtin made a motion to adopt R-119-12, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-120-12 was read by title and summary given. R-120-12 acknowledges the acceptance of the Family Self Sufficiency (FSS) Program Grant by the Department of Housing in the amount of \$24,166.00 for Fiscal Year 2012 from the US Department of Housing and Urban Development. This grant is used to pay the salary and benefits of the FSS Coordinator for a twelve month period beginning January 1, 2013. This is a full time position which handles other duties in addition to the FSS Program. Commissioner Garrett made a motion to adopt R-120-12, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to advance Tim Schweitzer from Mechanic Level II to Mechanic Level III with compensation set at \$25.7938 per hour (\$53,651 annually) effective October 18, 2012 in accordance with the current Local #286 working agreement. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Jack Shurley to the position of full time Road Maintenance Specialist I with the Campbell County Road Department effective November 1, 2012 with compensation set at \$20.5177 per hour (\$42,677 annually) according to the working agreement

with AFSCME. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-123-12 by summary and title. R-123-12 authorizes the Judge/Executive to execute a professional services agreement with Cardinal Engineering Corporation for surveying and construction administration for the California Cross Road Bridge replacement. The Fiscal Court entered into a contract with Cardinal Engineering for design of the California Cross Road bridge replacement. Due to unforeseen issues, it is necessary to have additional surveys performed to complete this project. Pursuant to this agreement, Cardinal Engineering shall be paid the sum of \$3,500 for surveys plus per diem fees for construction administration. Commissioner Garrett made a motion to adopt R-123-12, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-122-12 was read by title and summary given. R-122-12 authorizes the Judge/Executive to execute a professional services agreement with Civil Solutions Associates for construction inspection of the California Cross Road Bridge replacement. Civil Solutions Associates shall provide construction inspection services for the bridge replacement project in the amount of \$8,645. Commissioner Garrett made a motion to adopt R-122-12, seconded by Commissioner Painter.

Resolution R-121-12 was read by title and summary given. R-121-12 declares intent to accept donation of property at 1951 Poplar Ridge Road. Mr. Horine explained that this property is owned by Rohm and Haas Chemicals, a subsidiary of The Dow Chemical Company and is located across the creek from the Campbell County Animal Shelter. The property had some environmental issues, but has been cleaned up over the past ten years according to Kentucky Environmental Protection Cabinet standards. All structures on the property have been demolished. He recommends accepting the property and if everything looks good, he will bring it back to a future meeting for final approval. Commissioner Garrett made a motion to adopt R-121-12, seconded by Judge Pendery. Melissa Williams advised that the Fiscal Court has received a copy of the report from the State indicating that the property was cleaned up beyond the necessary requirements. All voted "AYE" and the motion passed.

Steve Franzen stated that at the last Fiscal Court meeting, the Commissioners and Judge/Executive were requested to refund taxes for the library district pending the outcome of litigation. He has reviewed the briefs filed in the case and concluded that this is not a Fiscal Court issue. He advised that no action be taken by the Fiscal Court pending the outcome of the lawsuit.

Commissioner Painter stated that earlier in the week he had occasion to talk to some of the men working at the Road Department about the budget process, and had a chance to look at new equipment that was purchased this year.

Commissioner Rehtin stated that there seems to be conflicting legislation in the KRS regarding the creation of the taxing authority for the library. Steve Franzen stated that the library is using one statutory scheme and the plaintiffs are alleging that another statutory scheme is the appropriate one to use. He expects that a decision in the case will be made by the court in 2013

followed by appeals. Commissioner Rehtin suggested that the General Assembly needs to clarify the statutes; at this point everybody involved is wasting money. Mr. Franzen stated that 80-90 libraries in the State operate under the same statute as Campbell County.

Richard Lucas requested that action on Resolution R-114-12 be delayed until the November 7, 2012 meeting.

Resolution R-113-12 was read by title and summary given. R-113-12 is a joint resolution of the Campbell County Fiscal Court and the Campbell County Public Properties Corporation to release A J Jolly Golf Course from debt obligations related to the 1997 Public Properties Corporation First Mortgage Refunding and Improvement Revenue Bond Issue and the 2001 General Obligation Public Project Refunding Bond Issue. Mr. Lucas explained that the 1997 and 2001 bond issues were refunded in February 2012 and by virtue of the refunding the debt associated with the golf course was released, and all debt became a debt of the general revenues of the County. Commissioner Rehtin made a motion, seconded by Commissioner Garrett. Commissioner Rehtin asked if debt payments will still show as a burden to golf course revenues. If not, the golf course is being subsidized another \$50,000 per year. Mr. Lucas stated that this action should help reduce the amount subsidized to the golf course. Judge Pendery stated that this will not prevent the County from tracking expenses associated with the golf course; it just means that the golf course will not be responsible for the debt obligation. Robert Horine advised that the auditors requested documentation as to where the debt went. He recommends that the Public Properties Corporation and Public Parks Corporation be phased out over the next couple of years and everything be put in the name of the Fiscal Court. All voted "AYE" and the motion passed.

Mr. Lucas then requested a motion to approve the claims and supplemental claims as presented for October 17, 2012. County Attorney Steve Franzen stated that he has reviewed the claims and determined that all appear appropriate. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. Commissioner Rehtin recused himself from voting to approve any payments made to Senior Services of Northern Kentucky, his employer. All voted "AYE" and the motion passed.

Judge Pendery announced that the Kentucky State Auditor's Office and the Department of Revenue have advised the Sheriff's Office that the taxes cannot be collected until November 15, 2012, due to the special election on November 6 to fill the unexpired term of former Sheriff John Dunn. Due to the change in administration, audits must be performed before the collection can take place. The discount period will be extended.

Judge Pendery announced that the next Campbell County Mayor's meeting will be held on October 23, 2012 at 6:00 p.m. in the Fiscal Court Chambers of the County Administration Building.

Judge Pendery announced that the Campbell County Fall Cleanup will take place on November 2 through 4, 2012. There are three locations where items may be dropped off: the Campbell County Transportation Department, Campbell County Police Station and Pendery Park.

Judge Pendery announced that the Northern Kentucky Solid Waste Action Coalition will hold a Household Waste Collection Event on November 3, 2012 at the Florence Freedom in Florence, Kentucky. He listed the types of items that will be accepted. Participants must complete a registration form prior to the event and bring it with them.

There being no further business to come before the Fiscal Court, Commissioner Rehtin made a motion to adjourn, seconded by Commissioner Garrett. All voted "AYE" and the meeting adjourned at 7:10 p.m.

Attachments:

Ordinance O-12-12 Brighton Properties Refunding Bond Issue
Resolution R-115-12 Contract with St. Joseph Church for Snow Removal
Resolution R-116-12 Contract with City of Crestview for Snow Removal
Resolution R-117-12 Waste Tire Grant Agreement
Resolution R-118-12 Campbell county Housing Voucher Program Payment Standards
Resolution R-119-12 Pendleton County Housing Voucher Program Payment Standards
Resolution R-120-12 Family Self Sufficiency Program Grant
Resolution R-123-12 Agreement with Cardinal Engineering
Resolution R-122-12 Agreement with Civil Solutions Associates
Resolution R-121-12 Accept Donation of Property at 1951 Poplar Ridge Road
Resolution R-113-12 Relieving A J Jolly Golf Course from Debt Obligations
Claims and Supplemental Claims of October 17, 2012

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk