

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

April 1, 2009

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, April 1, 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
KENNETH RECHTIN
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
Paula Spicer	Fiscal Court Clerk
Naguanda Deaton	Director of Human Resources
John Austin	Government Relations Manager
Pat Dressman	Director of Human Services
Jack Snodgrass	Campbell County Clerk

The meeting was called to order at 7:00 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.

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

Judge Pendery began the meeting by presenting a plaque to Mike Almoslecher in recognition of his 20 years of outstanding service on the Sanitation District No. 1 Board of Directors. He thanked Mr. Almoslecher for his conscientiousness in keeping the Fiscal Court informed regarding the Sanitation District. Mr. Almoslecher introduced his wife Kathy and thanked her

for her support. He stated that it has been a privilege to serve on the Board and be a part of the growth of the Sanitation District into the agency that it is today. He also thanked the Fiscal Court and former Judge/Executive Ken Paul who first asked him to be on the Board. Mr. Almoslecher complimented Jeff Eger and his crew at the Sanitation District as the best he's worked with.

Judge Pendery next presented Rick Purcell with a watch in recognition of his retirement after 16 years of service with the Campbell County Road Department. Mr. Purcell introduced his wife Joanne and son Travis. He stated that he has always liked his job and he will miss it.

Jack Snodgrass, Campbell County Clerk, addressed the Fiscal Court regarding the new federal requirement that there must be a paper trail for all voting machines. The machines currently used by Campbell County, with the exception of the handicapped accessible machines, can not be converted to meet the new requirement. The Federal government has allocated funds to the State to provide a new voting machine for every precinct in every county. \$297,000 has been placed in an account for Campbell County to purchase machines for its 66 precincts, one for each location. Mr. Snodgrass was at first skeptical of the paper ballots, but some counties in Kentucky used the new machines in the last election and he used one for absentee ballots with good results. The machine used was called eScan. He explained that the ballots are numbered and the voting process is: the voter is given a ballot by a precinct worker, he/she will mark the paper ballot with their choice, feed it through a scanner which will deposit the ballot into a locked box. If the voter makes a mistake before the ballot is scanned, they can get a new ballot and the first is destroyed; each voter can get up to 3 ballots. Multiple voters will be able to mark their ballots at the same time. Mr. Snodgrass stated that the number on the ballot can not be traced back to the voter, and the number of ballots at the beginning of the day, minus the ballots scanned should equal the number of voters' signatures. There will be separate ballots for Republican and Democratic voters during primary elections. He explained that due to voting problems in various states, the HAVA (Help America Vote Act) was enacted in 2002 to standardize voting procedures and to create a paper trail for elections. The only time that the paper ballots will actually be counted is if there is a contested race. Precinct workers will be trained to watch voters once they're given a ballot to ensure that voting is done properly and that nobody walks out with a ballot. The scanner will kick out a ballot if a ballot with the same barcode has already been scanned, and if too many blocks are marked on the ballot. J. R. Roth, citizen, asked what happens if somebody asks for a second ballot because of a mistake, is the first one already in the locked box. Mr. Snodgrass explained that if there is an error in the way the ballot was marked the machine will spit it back out, but not if they made an error in who they voted for. Once the ballot goes through the scanner and is accepted, the voter does not have another choice.

Jack Snodgrass, County Clerk, announced that he was appointed to the EAC, the Federal Election Assistance Commission, in January 2009. The Commission consists of 110 members, 55 of which are the chief election officials (generally the Secretary of State) in each state or their delegate, and another individual who represents all of the election officials that run the elections in each county. He was appointed to represent the 120 County Clerks in Kentucky. The Commission is to assist the Federal government in implementation of the HAVA Act by

overseeing election technology, voting systems, methods of voter registration, creating methods of assuring accessibility for voters, and how the federal funds are spent.

John Austin, Government Relations Manager, distributed updated information on the recent General Assembly session, and on the American Recovery and Reinvestment Act. He complimented Judge Pendery and the Commissioners on the great job that they did in coordinating with him and with legislators during the session. One of the County's main achievements in the session was in the area of roads. A biennial road plan was passed and signed by the Governor. This plan froze the gas tax thus avoiding the potential loss of about \$128 million, and coupled with federal stimulus money, awarded funding for the following projects: U.S. 27, John's Hill Road and KY 8 at KY 1998. Some relevant bills that did not pass include: HB 35 which would have allowed county offices to be located anywhere in the county including the county seat, and SB 112 which would have saved the Cities of Highland Heights and Southgate about \$40,000 in health insurance costs. HB 229, a comprehensive economic stimulus bill which would have had a direct effect on businesses within the county may be addressed if a Special Session of the General Assembly is held possibly in June.

Mr. Austin then highlighted several items from the American Recovery and Reinvestment Act. The U.S. 27 project received federal stimulus money, and the project is scheduled to be included in the Department of Highways District Six May 22 construction letting. A number of the Transit Authority of Northern Kentucky's (TANK) projects have been fully funded from the stimulus act. He advised that the Water District has applied to the Kentucky Infrastructure Authority to fund projects on Mooock Road, Siry Road and Flatwoods Road. The Ft. Thomas Water Treatment Plant improvement project may receive minimal federal stimulus money, however it is eligible for a low-interest loan. Mr. Austin stated that the Silver Grove pump-station project will not receive federal stimulus funds because it does not meet the "ready-to-go" requirements. However, two other sewer infrastructure projects have been submitted that do meet that requirement: the Covert Run project and Northern Kentucky University project. He advised that Northern Kentucky University is continuing to work with the University of Kentucky and Louisville to secure health information technology funding. Mr. Austin stated that he received a notice from the Kentucky Department of Energy that Campbell County is eligible for approximately \$352,000 in Energy Efficiency and Conservation Block Grant funds that could be used for a number of activities. Commissioner Hayden stated that there are a lot of new options for public lighting using LED lights which last longer and use less electricity than standard lights. Replacing existing lights with LED's would be a good use of the energy efficiency funds.

Commissioner Rehtin commented that the passage of taxes to offset the deficit shows a good deal of bipartisan support, and the legislators should be recognized for that. He stated that he is afraid that HB 35 and SB 112 got labeled as special legislation to fix problems in Campbell County, but they aren't. Both bills apply to all counties in Kentucky. He stated that the best economic stimulus in the region is the Kentucky Speedway, which would benefit from the passage of the economic incentive package. Securing a Sprint Cup race at the Speedway would have a tremendous economic impact on the community. Commissioner Rehtin thanked Mr. Austin for his efforts and for keeping the Fiscal Court informed. Judge Pendery stated that the reason Mr. Austin is so well respected and liked is because he remembers to thank everyone else. He expressed his appreciation of the quality of work and the ease with which Mr. Austin is able

to work with others and with the Fiscal Court. Commissioner Hayden stated that to him the most important feature of HB 35 and SB 112 was that they encouraged the consolidation of services and offices which saves taxpayers money. The failure of these two bills makes it more difficult to consolidate services which are desperately needed in Northern Kentucky. Commissioner Otto pointed out that when the dispatch centers were consolidated, Campbell County lost money from the State. He stated that he was told that Campbell County's efforts near the end of the General Assembly session were impressive, however they need to start pressing in the beginning of the session. When asked, Mr. Austin stated that the State faces a more substantial budget shortfall than the last one.

Pat Dressman, Director of Human Services, announced that she attended the Family Nurturing Center event today to kick-off Child Abuse Prevention Month. A proclamation was presented from the Campbell County Fiscal Court proclaiming April as Child Abuse Prevention Month. In turn the County was given a plaque acknowledging its contributions and efforts to end the cycle of child abuse.

There being no old business, Melissa Williams began the presentation of new business to the Fiscal Court. Resolution R-32-09 was read by title and summary given. R-32-09 authorizes the Judge/Executive to execute a lease agreement with the Campbell County Girls Softball League for the use of certain areas of the Beiting Sports Complex in A. J. Jolly Park. This is the first year for a lease with the Girls Softball League. The lease is for a period of 5 years, renewable for an additional 5 years. This agreement is recommended by Parks and Recreation Director Dennis Reller. Commissioner Rechtin made a motion to adopt R-32-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-33-09 was read by title and summary given. R-33-09 approves a transfer of mental health/mental retardation funds for the Family Nurturing Center programs. This request is to transfer \$4,500 from the Visitation Program to the Child Abuse Treatment Program; there is no additional funding involved. Commissioner Rechtin made a motion to adopt R-33-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-34-09 was read by title and summary given. R-34-09 approves a transfer of mental health/mental retardation funds for New Perceptions, Inc. programs. The request is to transfer \$4,000 from the Center Based Enrichment Program and \$8,550 from the Comprehensive Evaluation Program to the Supported Employment Program. There is no addition funding, simply a transfer of funds to a program that has a larger client base. Commissioner Otto made a motion to adopt R-34-09, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Resolution R-35-09 was read by title and summary given. R-35-09 approves a transfer of mental health/mental retardation funds for Redwood programs. The amount of funds transferred from the Therapeutic and Technology Services Program is \$4,114, with \$2,314 going to the Children's Habilitation Services Program and \$1,800 going to the Adult Habilitation Services Program. Commissioner Rechtin made a motion to adopt R-35-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-36-09 was read by title and summary given. R-36-09 approves the Northern Kentucky Community Action Commission as the non-profit organization to administer the Emergency Shelter Grant Program for 2009-2010. Funds from this program are used to assist Campbell County families and individuals from losing their homes by providing rent, utility and mortgage payment assistance and counseling and case management services. The grant requires local government approval. Commissioner Rechlin made a motion to adopt R-36-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-37-09 was read by title and summary given. R-37-09 approves the Interfaith Hospitality Network of Northern Kentucky as the non-profit organization to administer the Emergency Shelter Grant Program for 2009-2010. The funds will be used to improve the quality of existing emergency shelters and to provide essential services to homeless individuals and families. The grant requires local government approval. Judge Pendery made a motion to adopt R-37-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Ms. Williams then presented two personnel items. A motion was requested to accept the resignation of Rick Purcell from the Campbell County Road Department effective March 31, 2009. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to appoint James Herald to the seasonal position of Camping/Concession Worker with compensation set at \$9.45/hour effective April 1, 2009 through the 2009 park season. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-38-09 which was read by title and summary given. R-38-09 accepts the low bid of Langenheim and Thompson for construction of a drilled pier retaining wall on Covert Run Pike. Emergency Road Aid Funds were received from the Kentucky Transportation Cabinet in the amount of \$93,600 to correct a landslide on Covert Run Pike. Nine bids were received for the project with Langenheim and Thompson being the low bidder at \$82,041. He explained that when the bid cost is combined with the engineering and design costs, the total project will be \$108,913, thus necessitating the use of County Road Funds to make up the difference. Commissioner Rechlin made a motion to adopt R-38-09, seconded by Commissioner Otto. Commissioner Otto asked if the contractor can estimate how deep they will have to drill prior to drilling, since there is an additional charge for deeper drilling and a reduction for less drilling. Mr. Horine stated that based on the geotechnical study it was estimated that they would have to drill 30 feet, however there may be some variances. Commissioner Hayden asked about Langenheim and Thompson's qualifications. Mr. Horine advised that Langenheim and Thompson was recommended by the engineer, and they have successfully completed similar projects in the City of Ft. Thomas. He is not sure if they did the Tower Hill Road project in Ft. Thomas. Mr. Horine further explained that the note made by the engineer on Langenheim and Thompson's bid regarding a mathematical error was only 72¢ off. All voted "AYE" and the motion passed.

Robert Horine stated that he had another resolution that was not contained in the original meeting packet. Resolution R-40-09 was read by title and summary given. R-40-09 authorizes

payment of claims from the Community Development Block Grant for the Campbell County Homebuyer Program. The Millenium Housing Corporation just closed on the sale of properties at 631 Saratoga Street and 735 Liberty Street and they are requesting release of these funds. Judge Pendery made a motion to adopt R-40-09, seconded by Commissioner Otto. Upon the advice of the County Attorney, Commissioner Rechtin abstained from voting on R-40-09 because Farmer's National Bank provided financing for one of the properties. Judge Pendery and Commissioners Otto and Hayden voted "AYE" and the motion passed.

Mr. Horine then requested a motion to authorize staff to advertise for bids to purchase a four-sided clock to be placed on the clock tower constructed in the plaza area in front of the new County Administration Building. The purchase of the clock was not included in the original bidding for the Administration Building because it was determined that they could get a better price by bidding it separately. Motion was made by Commissioner Rechtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for bids to purchase 68 new voting machines as required by Federal law for the 2010 elections. Jack Snodgrass, County Clerk, explained the reasons for the new machines earlier in the meeting. Robert Horine pointed out that the Federal government will pay for one machine for each of the 66 precincts in Campbell County, however staff recommends the purchase of two additional machines to be used as back-ups. The cost of the two additional machines should be less than \$9,000. Motion was made by Commissioner Rechtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Robert Horine recommended that the Fiscal Court meet in Executive Session at the end of the meeting to discuss pending litigation.

Commissioner Otto requested a synopsis of the costs incurred by the County in the Nolan lawsuit, particularly in the last month. Robert Horine replied that the County has not received an invoice for legal services in March, but it is safe to say that they are in excess of \$40,000. He stated that a hearing was conducted in March for which they have not yet been billed. Commissioner Otto stated that these legal fees are wasteful spending. He believes that the total expenses will reach \$100,000. This lawsuit is costing the County dearly.

James Daley presented Resolution R-39-09 which was read by title and a summary given. R-39-09 is a resolution of the Campbell County Fiscal Court, Certificate of Campbell County Sheriff and Campbell County Clerk. He explained that this resolution deals with HB 262 passed by the General Assembly this year. The bill reorganizes the delinquent tax collection program by changing the method of sale of delinquent tax bills which will now be through the County Clerk's office. The changes protect the Clerk's, Sheriff's and County Attorney's fees. Commissioner Rechtin made a motion to adopt R-39-09, seconded by Judge Pendery. Commissioner Rechtin asked how this modernizes the manner in which delinquent taxes are collected. Mr. Daley advised that this bill was supported by the County Attorneys and by third parties that purchase delinquent tax bills. It protects the funding received by the Sheriff, County Clerk and County Attorney, it changes the method and the amount on how third parties can buy delinquent tax bills. Mr. Daley further explained that if someone does not pay their taxes and a

property is in foreclosure, third parties can buy the tax bills which allows the local government to recoup its money. Commissioner Rehtin stated that when people fail to pay their taxes they hurt the supply of government services. The third parties who buy these tax bills are actually providing a service to the County by giving it the capital for operating expenses. All voted "AYE" and the motion passed.

J. R. Roth, citizen, stated that they used to only sell a percentage of the tax bills, will that percentage change now. Jack Snodgrass, County Clerk, advised that delinquent tax bills will be turned over to his office and after 90 days he will hold a sale on the tax bills. The bills will be sold only in lots. In the past someone could purchase up to \$200,000 in tax bills which would shut everybody else out, the sale would stop and the State would buy all of the tax bills. The State will no longer buy tax bills. Mr. Snodgrass stated that all counties will be operating in the same way. The sale will be done by lottery and the County Clerk will determine how many bills an individual will be allowed to buy. The new procedures were prescribed by the Attorney General and Department of Revenue.

Judge Pendery announced that the County's spring clean-up was conducted last weekend. He thanked everybody that worked the event. He next reminded everyone that the Farm Oil Recycling Event will be held on May 2 in partnership with the Campbell County Extension District. Judge Pendery also announced that the County will sponsor a Shred Day event on April 18 at the Alexandria Wal-Mart.

Judge Pendery announced that the Campbell County Extension District is hosting a "Come Plant a Tree" day on April 25 at St. Anne Convent in Melbourne. Volunteers are needed to plant tree seedlings on a recently preserved conservation area. Interested persons may register by calling D J Scully at the Extension Service.

Jim Seibert requested a motion to authorize staff to advertise for bids for repaving the following county roads: California Crossroads from KY 8 to KY 9 and from Wesley Chapel to Fischer Road, Murnan Road from US 27 to its dead end, Fischer Road from California Crossroads to Pendelton County line, Smith Hiteman from Clay Ridge to its dead end, and West Miller Road from KY 915 to its dead end. If funds allow portions of Blossom Drive and Hissem may be repaved. Motion was made by Commissioner Rehtin, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to authorize staff to advertise for bids for auditing services for the County's Component units for a three-year period beginning with the 2009 fiscal year. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. Mr. Siebert stated that they usually receive 5-6 bids. All voted "AYE" and the motion passed.

Resolution R-31-09 was read by title and summary given. R-31-09 requests the Kentucky Transportation Cabinet to reimburse the Fiscal Court for transportation of non-public school students for the 2008-2009 school year. The request will be for \$490,233.21, however they do not always receive the requested amount. Commissioner Rehtin made a motion to adopt R-31-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Mr. Seibert requested a motion to acknowledge that the Campbell County Jailer Greg Buckler has presented his Fiscal Year 2010 budget to Judge Executive Pendery as required by Kentucky Revised Statutes. Motion was made by Commissioner Hayden, seconded by Judge Pendery. All voted “AYE” and the motion passed.

A motion was requested to acknowledge that Peck-Shaffer has completed the Rebate Calculation for the period June 2, 2006 to December 2, 2007 for the issue of \$13,150,000 County of Campbell, Kentucky, General Obligation Public Project Bonds, Series 2006. This rebate calculation is required by Section 148(f) of the Internal Revenue Code of 1986. It is the opinion of Peck-Shaffer that the County does not have a net rebate liability to the United States government. Motion was made by Commissioner Rechlin, seconded by Judge Pendery. All voted “AYE” and the motion passed.

Mr. Seibert requested a motion to approve budget transfers effective March 31, 2009. Motion was made by Commissioner Rechlin, seconded by Commissioner Otto. All voted “AYE” and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for April 1, 2009. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted “AYE” and the motion passed.

Judge Pendery requested a motion for Executive Session. Motion was made by Commissioner Hayden, seconded by Commissioner Rechlin. Robert Horine stated that the request for Executive Session is pursuant to KRS 61.810(1)(c) to discuss pending litigation against the public agency. All voted “AYE” and the motion passed. Judge Pendery advised that there will be no action taken by the Fiscal Court as a result of the executive session.

A motion was made by Commissioner Rechlin to adjourn the executive session, seconded by Commissioner Otto. All voted “AYE” and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rechlin made a motion to adjourn, seconded by Commissioner Otto. All voted “AYE” and the meeting adjourned at 9:50 p.m.

Attachments:

Resolution R-32-09	Lease Agreement with Campbell County Girls Softball League
Resolution R-33-09	Family Nurturing Center – Transfer Program Funds
Resolution R-34-09	New Perceptions, Inc. – Transfer Program Funds
Resolution R-35-09	Redwood – Transfer Program Funds
Resolution R-36-09	Community Action Commission – Emergency Shelter Grant Funds
Resolution R-37-09	Interfaith Hospitality Network – Emergency Shelter Grant Funds
Resolution R-38-09	Accept Bid of Langenheim & Thompson for Covert Run Pier Wall
Resolution R-40-09	Payment of Claims – Homebuyer Program
Resolution R-39-09	Implement Provisions of HB 262 on Delinquent Taxes

Resolution R-31-09 Reimbursement for Transportation of Non-Public School Students
Transfers of March 31, 2009
Claims of April 1, 2009

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk