

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**May 7, 2014**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, May 7, 2014, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

COUNTY JUDGE/EXECUTIVE:  
STEVE PENDERY

COUNTY COMMISSIONERS:  
PETE GARRETT  
BRIAN PAINTER  
KENNETH RECHTIN

Steve Franzen  
Robert Horine  
Matt Elberfeld  
Paula Spicer  
Colonel Keith Hill

Campbell County Attorney  
County Administrator  
Finance Director  
Fiscal Court Clerk  
Campbell County Police Chief

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 Fiscal Court regular meeting of April 16, 2014 were presented. Motion was made by Commissioner Garrett, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Kevin Gordon asked when the State will inform the County of the amount of its pension contribution for the upcoming year. Robert Horine stated that they have been informed that both the hazardous duty and non-hazardous duty pension contributions have been lowered by roughly 1.3 percent from last year. The new amounts are effective July 1, 2014.

Jim Pfister stated that he would like to hear an explanation of Resolutions R-41-14 through R-46-14 regarding the Child Development Center. Judge Pendery stated that those resolutions will be explained as they come up on the agenda during the meeting.

Judge Pendery stated that each year the Leadership Northern Kentucky Class chooses a project to work on. This year's class has worked on the heroin problems facing Northern Kentucky. He

called on Michael Knight to begin the Leadership Northern Kentucky Class of 2014 presentation. Mr. Knight introduced other members of the Class: Nick Proffitt, Clark Earick, Jeff Fichner and Paul Chase. Mr. Knight stated that they worked on two projects this year: the need for an adolescent treatment center in Northern Kentucky and efforts to reduce the number of babies born with drug addictions. The Class presented statistics on the increase in the number of heroin overdose deaths, use of heroin by adolescents and percentage of heroin-related crimes prosecuted in Northern Kentucky. Their goal is to establish the first adolescent treatment center in the 8-county Northern Kentucky area. To that end, they have submitted a recommendation to the Attorney General's Substance Abuse and Treatment Committee requesting \$5.7 million for use in the Northern Kentucky area. For the second part of their project, the Class has been working with Transitions Inc. Women's Residential Addiction Program (WRAP) for pregnant women. Their focus has been on renovating the Healthy Newborn House Project to provide a continuum of care for women after they leave the WRAP Program. They have also organized drives to gather start-up supplies for new mothers and worked with other agencies to provide support services. Fundraising efforts were described. A promotional video was then shown.

Judge Pendery administered the Oath of Office to Police Officer Christopher J. Lauer II.

Paula Spicer presented old business with a second reading of Ordinance O-09-14 by title and summary. O-09-14 updates the official zoning map for unincorporated Campbell County to add an Agricultural Cluster Development (ACD) Overlay within an A-1 Zone for an approximate 48.3 acre parcel located at 2251 Reis Ridge Road in unincorporated Campbell County. Commissioner Rechtin made a motion to adopt O-09-14, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Ordinance O-10-14 was read by title and summary given. O-10-14 updates the official zoning map for unincorporated Campbell County to rezone an approximate 32 acre parcel located at 5515 Dodsworth Lane in unincorporated Campbell County as described in the attached map, from R-1C (Residential) to A-1 (Agricultural). Commissioner Garrett made a motion to adopt O-10-14, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

New business was then presented. The first six resolutions on the agenda pertain to the Scholar House Child Development Center project. Dennis Elrod, the Fiscal Court's consultant for the Community Development Block Grant (CDBG), explained that the Scholar House is a cooperative venture between the Housing Authority of Newport and the Fiscal Court. It is a 48-unit apartment building which will provide affordable housing to low income working adults who are full-time students and also provides child care and early childhood development services for their children. Once the individuals finish school they are expected to move into unsubsidized housing. The Fiscal Court has applied and received CDBG funds to be used to pay for a portion of the child development center. Mr. Elrod explained that the next six resolutions are housekeeping matters related to the funding agreement that the Fiscal Court has entered into with the State of Kentucky. He stated that most of these issues have nothing to do with this project. The County has no role in the operation of the facility; it is simply a pass-through organization for funding. The goal is to have the facility opened before the school year starts next fall. In other parts of the State, a high percentage of people who move on from the Scholar House have become self-sufficient.

Resolution R-41-14 was read by title and summary. R-41-14 adopts a Guideform Antidisplacement and Relocation Plan for the Northern Kentucky Scholar House Child Development Center Construction Community Development Block Grant (CDBG) project. The project site is a vacant lot and no one is displaced by this project. Judge Pendery made a motion to adopt R-41-14, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-42-14 was read by title and summary given. R-42-14 adopts a Model Procurement Code and Code of Conduct when using Community Development Block Grant (CDBG) funds to procure goods and /or services in connection with the Northern Kentucky Scholar House Child Development Center Construction Project. Commissioner Garrett made a motion to adopt R-42-14, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-43-14 was read by title and summary given. R-43-14 acknowledges receipt of State Clearinghouse comments for the Northern Kentucky Scholar House Child Development Center CDBG project construction and agrees that all conditions set forth in said comments will be met. Commissioner Rehtin made a motion to adopt R-43-14, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-44-14 was read by title and summary given. R-44-14 establishes use of rental payments received by the Fiscal Court from the Northern Kentucky Scholar House Child Development Center. The Fiscal Court will not operate the Center and therefore will receive no rental payments. Commissioner Rehtin made a motion to adopt R-44-14, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-45-14 was read by title and summary given. R-45-14 adopts a Section 3 Plan in connection with the Northern Kentucky Scholar House Child Development Center construction project. This plan provides that all contractors on the project be made aware of local suppliers and subcontractors. Commissioner Garrett made a motion to adopt R-45-14, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-46-14 was read by title and summary given. R-46-14 commits to enforce the Development Agreement with Newport Millennium Housing Corporation III and Northern Kentucky Scholar House Limited Partnership to assure all cost overruns associated with the Northern Kentucky Scholar House Child Development Center construction project are fully paid. Cost overruns are not the responsibility of the County; the Development Agreement contains indemnification provisions regarding overruns. Commissioner Garrett made a motion to adopt R-46-14, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to proclaim May 11 through 17, 2014 as Police Week in Campbell County, Kentucky and to specifically proclaim May 15, 2014 as Peace Officers' Memorial Day. Motion was made by Commissioner Garrett, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed. Police Chief Keith Hill announced that there will be a ceremony to commemorate law enforcement officers on May 14, 2014 at 7:00 p.m. at the Police Memorial in Covington.

A motion was requested to proclaim May 15, 2014 as “Bring Your Family to Newport Aquarium Day” in Campbell County in recognition of Newport Aquarium’s 15 year anniversary. Motion was made by Commissioner Rechtin, seconded by Commissioner Garrett. All voted “AYE” and the motion passed.

A motion was requested to proclaim May 2014 as Motorcycle Awareness Month in Campbell County, Kentucky. Motion was made by Commissioner Painter, seconded by Commissioner Garrett. All voted “AYE” and the motion passed.

A motion was requested to appoint Jim Miller as a seasonal Clubhouse Maintenance Worker with compensation set at Pay Grade 7, \$10.35 per hour effective May 12, 2014 through the 2014 Park season. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to appoint Stephen Cunningham to the position of full time Assistant Golf Professional at A J Jolly Golf Course effective May 18, 2014 with compensation set at Pay Grade 8, \$13.55 per hour or \$28,184 annually (total benefit cost of \$12,921.70). Mr. Cunningham’s appointment includes a provision to increase his salary by \$2,000 in FY2015 upon his achieving level two certification in the PGA Education Program. Matt Elberfeld advised that although this position was not budgeted, it replaces the position of Golf Pro Shop Clerk which was eliminated. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

A motion was requested to appoint Franklin Smith to the position of Seasonal Building Maintenance Assistant effective May 12, 2014 with compensation set at Pay Grade 8, \$13.50 per hour. Matt Elberfeld explained that this position was not budgeted, but funds are available in the Administration Department budget. Motion was made by Judge Pendery, seconded by Commissioner Garrett. Commissioners Garrett and Painter and Judge Pendery voted “AYE”, Commissioner Rechtin voted “NAY” and the motion passed.

A motion was requested to advance Dustin Wade from Road Maintenance Level I to Road Maintenance Level II with compensation set at \$23.1396 per hour or \$48,130.43 annually effective May 18, 2014 in accordance with the current Local #286 working agreement. Motion was made by Judge Pendery, seconded by Commissioner Rechtin. All voted “AYE” and the motion passed.

A motion was requested to appoint Brandon Turner as a seasonal Parks and Recreation Worker with compensation set at \$10.35 per hour effective May 12, 2014 through the 2014 Park season. Mr. Turner replaces Franklin Smith who was appointed as Seasonal Building Maintenance Assistant. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

Robert Horine presented Resolution R-47-14 by title and summary given. R-47-14 authorizes the County Judge/Executive to execute the First Amendment to the Northern Kentucky Drug Strike Force (NKDSF) Interlocal Agreement dated November 5, 2013. When the updated Interlocal Agreement was approved in November, 2013 the provision stating that one member of

the Board of Directors shall be a Commonwealth Attorney was inadvertently omitted. A Commonwealth Attorney has served on the Board since its inception. The amendment will restore the Commonwealth Attorney seat on the Board and clarify the role of a County Attorney from one of the three counties to serve as legal advisor to the Strike Force. Commissioner Painter made a motion to adopt R-47-14 to put our Commonwealth Attorney back on the Board, seconded by Commissioner Garrett. Mr. Horine stated that a Commonwealth Attorney from one of the three counties, chosen by the Judges/Executive, will be put back on the Board. The same Commonwealth Attorney has served on the Board for the last eight years due in part because no one else expressed interest. Recently, the Commonwealth Attorneys of the other two counties have indicated interest. When the current term is up, one of the others will be appointed. Mr. Horine stated that although the word “rotation” is not in the agreement, he expects that the three Counties will rotate the Board appointment. Commissioner Rehtin requested a report from the Drug Strike Force indicating money spent, number of convictions and number of people prosecuted from each county. He pointed out that the Fiscal Court has made significant expenditures in our own Campbell County Drug Task Force. Judge Pendery stated that the original job of the NKDSF was to work on mid-level and major dealers with street-level crime done by local law enforcement. He stated that the Campbell County Drug Task Force is doing a better job than the other counties on street-level issues. Commissioner Rehtin suggested that language for the rotational structure of the Board be put back into the amended agreement. Judge Pendery stated that he will talk to the NKDSF about coming to the next possible meeting. All voted “AYE” and the motion passed.

A motion was requested to accept the low bid of Michels Construction for reconstruction of a portion of Thelma Lee Drive in the amount of \$138,786.50. The bid amount includes two alternates: increase the pavement thickness to 10 inches and to add load transfer dowels. Funds for this project have been budgeted. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. All voted “AYE” and the motion passed.

Mr. Horine requested that the Fiscal Court meet in executive session at the end of regular business, pursuant to KRS 61.810(1)(e) collective bargaining negotiations between public employers and their employees or their representatives. He anticipates that no action will be taken following the executive session. Motion was made by Commissioner Garrett, seconded by Commissioner Rehtin. All voted “AYE” and the motion passed.

Judge Pendery announced that a Tire Reclamation event will be held on May 15 through 17, 2014 from 8:00 a.m. to 5:00 p.m. each day at the Campbell County Transportation Center.

Judge Pendery announced that the Jolly Park Community Development Council has scheduled a groundbreaking for the Stapleton Pavilion on May 15, 2014 at 7:00 pm at the site in A J Jolly Park. He also announced that Jim Cutter, a local contractor, has volunteered to manage the project at no cost.

Judge Pendery stated that he attended the grand opening/ribbon cutting of the NEW RIFF Distillery on May 7, 2014. The distillery is housed in a beautiful new building owned by Ken Lewis, developer of the Party Source.

Matt Elberfeld explained that the Campbell County Public Properties Corporation was created in 1955 so that the Fiscal Court could issue debt. In the early 1990's the law changed enabling the Fiscal Court to issue its own debt. Since that time, the Fiscal Court has been conveying property from the Public Properties Corporation name to the Fiscal Court. As a result, staff recommends dissolving the Corporation. This action will reduce organizational complexity, eliminate the need for separate meeting minutes and save the County annual audit fees. All assets (cash) of the Corporation will be transferred to the Fiscal Court.

Resolution R-49-14 was read by title and summary given. R-49-14 a resolution of the Campbell County Public Properties Corporation authorizing the assignment of the lease with the Campbell County Extension District Board for the Extension Center Gardens to the Campbell County Fiscal Court. Treasurer Rehtin made a motion to adopt R-49-14, seconded by Director Garrett. All voted "AYE" and the motion passed.

Resolution R-50-14 was read by title and summary given. R-50-14 a resolution of the Campbell County Public Properties Corporation dissolving the Corporation in accordance with Commonwealth law and authorizing the closure of the Public Properties Corporation component unit fund upon the transfer of all remaining assets to the Campbell County Fiscal Court. Director Garrett made a motion to adopt R-50-14, seconded by President Pendery. All voted "AYE" and the motion passed. In response to Treasurer Rehtin's request that the Corporation's assets go to the Aging Tax fund, Mr. Elberfeld explained that the money from the sale of Lakeside Terrace will stay in a separate account with restrictions, and the rest of the money will go into the General Fund. President Pendery stated that the restricted funds will be used at the discretion of the Fiscal Court and the use will be approved at a Fiscal Court meeting. Mr. Elberfeld stated that the fee to audit the Corporation runs about \$5,000-\$6,000.

Resolution R-48-14 was read by title and summary given. R-48-14 authorizes the County Judge/Executive to file an application with the Northern Kentucky Area Development District to obtain Area Development Grant Funds. The Fiscal Court had previously adopted guidelines for the application process for Area Development Grant Funds. The Fiscal Court's application for said funds was the only one received, and it is recommended that the application be submitted to the Northern Kentucky Area Development District. Commissioner Rehtin made a motion to adopt R-48-14, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims and supplemental claim as presented for May 7, 2014. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. 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.

The Fiscal Court met in Executive Session pursuant to motion previously made.

Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett to adjourn the executive session and reconvene in regular session. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rehtin made a motion to adjourn, seconded by Commissioner Painter. All voted "AYE" and the meeting adjourned at 8:35 p.m.

Attachments:

|                               |                                                                 |
|-------------------------------|-----------------------------------------------------------------|
| Ordinance O-09-14             | Amend Zoning Map – 2251 Reis Ridge Road                         |
| Ordinance O-10-14             | Amend Zoning Map – 5515 Dodsworth Lane                          |
| Resolution R-41-14            | Adopt Antidisplacement & Relocation Plan for CDBG               |
| Resolution R-42-14            | Adopt Model Procurement Code & Code of Conduct for CDBG         |
| Resolution R-43-14            | Acknowledge Receipt of State Clearinghouse Comments for CDBG    |
| Resolution R-44-14            | Establish Use of Rental Payments for CDBG                       |
| Resolution R-45-14            | Adopt CDBG Grantee Section 3 Action Plan                        |
| Resolution R-46-14            | Enforcement of Development Agreement for Scholar House          |
| Proclamation                  | Police Week                                                     |
| Proclamation                  | Newport Aquarium Day                                            |
| Proclamation                  | Motorcycle Awareness Month                                      |
| Resolution R-47-14            | Approve 1 <sup>st</sup> Amendment to NKDSF Interlocal Agreement |
| Resolution R-49-14            | Assignment of Lease for Extension Center Gardens                |
| Resolution R-50-14            | Authorize Dissolution of Public Properties Corporation          |
| Resolution R-48-14            | Application for Area Development Grant Funds                    |
| Claims and Supplemental Claim | May 7, 2014                                                     |

Approved:

/s/ Steve Pendery

STEVE PENDERY

Judge/Executive

Attest:

/s/ Paula K. Spicer

Paula K. Spicer, Fiscal Court Clerk