

**CAMPBELL COUNTY, KENTUCKY FISCAL COURT
MINUTES**

MAY 18, 2022

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, May 18, 2022, 5:30 p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Cable Access was present to film the public hearing and meeting. Both the public hearing and meeting were also broadcast live on the Fiscal Court Facebook Page.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:30 p.m. to comment on possible uses of County Road Aid and Local Government Economic Assistance funds. Present at the hearing were:

Judge/Executive Steve Pendery,
County Commissioner Geoff Besecker,
County Commissioner Brian Painter,
County Attorney Steve Franzen,
County Administrator Matt Elberfeld,
Fiscal Court Clerk Paula Spicer,
Assistant County Administrator Kim Serra,
Finance Director/Treasurer Marie Schenkel,
Police Chief Craig Sorrell,
Director of Planning and Zoning Cindy Minter,
Economic & Community Development Director Justin Otto,
Assistant County Attorney Michelle Eviston,
Major Jeremy Newberry,
Business Analyst Laura Lewis

Marie Schenkel, Finance Director/Treasurer opened the public hearing to obtain comments on possible uses of County Road Aid and Local Government Economic Assistance funds. Ms. Schenkel advised that no comments were received prior to the meeting. Finding that nobody present had comments, the public hearing was closed.

The regular meeting was called to order at 5:35 p.m. by Judge Pendery.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
GEOFF BESECKER
BRIAN PAINTER

County Attorney Steve Franzen,
County Administrator Matt Elberfeld,
Fiscal Court Clerk Paula Spicer,
Assistant County Administrator Kim Serra,
Finance Director/Treasurer Marie Schenkel,
Police Chief Craig Sorrell,
Economic & Community Development Director Justin Otto,
Director of Planning and Zoning Cindy Minter,
Assistant County Attorney Michelle Eviston,
Major Jeremy Newberry,
Business Analyst Laura Lewis

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present. Commissioner Lampe was absent.

Minutes from the Fiscal Court regular meeting of May 4, 2022 were presented. Motion was made by Commissioner Besecker, seconded by Commissioner Painter to approve the minutes. All voted "Aye" and the motion passed.

Judge Pendery called on Andy Yeager, Transportation Engineer Supervisor, Kentucky Transportation Cabinet, Department of Highways District Six to present the recommendations for Rural Secondary Road Program funds for Fiscal Year 2022-2023. Mr. Yeager accompanied by Engineer Chris Rice, stated that the Department oversees maintenance activities on state roadways in Campbell County. He advised that Campbell County's allotment for FY23 is \$753,523, with \$229,000 allotted for routine maintenance and traffic, \$150,705 set aside for Flex Funds and \$3,875 for County administrative expenses. Including a leftover balance from last year of \$29,099, the total for projects is \$399,042. Mr. Yeager then listed the recommended projects: resurfacing Flagg Springs Pike (KY 10) from Sheanshang Road to the bridge just south of KY 735 and resurfacing Wesley Chapel Road (KY 1121) from KY 10 to California Crossroads. If the County elects not to use the Flex Funds, he recommends resurfacing of Carthage Road (KY 1996) from KY 10 to KY 9. Judge Pendery stated that the recommendations will be referred to the Road Supervisor for his consideration. Commissioner Painter asked about the bridge project on Oneota. Mr. Yeager stated that it may have a short delay. He added that the AA Highway mill and fill work is on schedule. A woman in the audience asked when work will start on New Carthage Road. Mr. Yeager advised that it will be in the fall or next spring.

Judge Pendery asked if anybody would like to speak to the Fiscal Court on a subject other than the zone change. There being none, Judge Pendery turned the floor over to County Attorney Steve Franzen to explain the procedure for zone changes. Mr. Franzen advised that the final authority for zone changes rests with the local legislative body (Fiscal Court) as set by State law. If the Fiscal Court does not override the Planning Commission, then the Planning Commission's recommendation goes into effect. If the Fiscal Court wishes to make different findings from the Planning Commission, it doesn't have to make additional findings explaining why the decision is different but it does have to make findings based on the record. A zoning amendment ordinance can be granted in any of these circumstances: if the proposal agrees with the comprehensive

plan, if there have been major changes of an economic, physical or social nature in the area involved that were not anticipated in the comprehensive plan and that have substantially altered the character of that area, and if the existing zoning of the property is inappropriate and the proposed zoning is appropriate. The Fiscal Court's options are: pass an ordinance affirming the recommendation of the Planning Commission, deny the ordinance without a hearing with the decision based solely on the evidence presented at the Planning Commission hearing, do nothing and the Planning Commission's recommendation becomes law or conduct a new hearing and determine whether to approve or deny the ordinance. If the Court wants to add or amend conditions to the current recommendation of the Planning Commission then a new hearing must be held. A new hearing requires that evidence be taken and considered and findings of fact be made based on the record established at the new hearing. It takes a majority of the entire legislative body to override the recommendation of the Planning Commission (3 people). A majority of the entire legislative body is needed in order to act on the recommendation of the Planning Commission. Mr. Franzen state that ex parte contacts are allowed; however decisions must be made on the record not conversations. He urged that ex parte conversations be kept at a minimum. Mr. Franzen stated that the ordinance on tonight's agenda must have two readings with a vote upon the second reading. He pointed out that the Planning Commission hears zone change requests on a regular basis and its members are required to complete continuing education about planning and zoning issues; this gives them some expertise in the matter. The law is designed to try to lend deference to the Planning Commission, however the Fiscal Court has the final say. At this point the Court needs to decide whether they'll base their decision on the record accumulated by the Planning Commission or set it for a public hearing in which evidence can be presented by the developer or anybody who is in opposition. If so, the hearing date must be published and the Fiscal Court would reconvene to hear it. The Fiscal Court should vote on which process they want to take. Judge Pendery advised that if the Fiscal Court decides to go with the Planning Commission's record, the public has an opportunity to speak tonight and at the next meeting. The Fiscal Court has copies of the record from the Planning Commission hearing. It has been the practice of the Fiscal Court to go with the record produced by the Planning Commission believing that they have expertise and have called on experts that we do not have access to. Judge Pendery then made a motion that the Fiscal Court go with the record of the Planning Commission. Steve Megerle asked about public comment. He stated that there is another option for the Fiscal Court that the County Attorney has not mentioned and requested 30 seconds to present that option. Mr. Franzen suggested that the Fiscal Court take a vote then allow comments after which they can make another motion to undo the initial action. Judge Pendery stated that they are following the law. Commissioner Painter seconded Judge Pendery's motion. All voted "Aye" and the motion passed. Judge Pendery announced that three people signed in to speak and called on Steve Megerle. Mr. Megerle cited Resource Development vs. Campbell Fiscal Court and Louisville vs. McDonald which provide another option – an argument-style hearing before the Fiscal Court where representatives of both the proponent and opponents can give a brief presentation summing up the hours of testimony and minutes and opportunity to bring in an expert witness. This option is in case law stemming from a zone change involving the Campbell County Fiscal Court in the 1970's. This is another option that was not presented by the County's legal counsel. On behalf of his 30-40 clients, they would like to allow for the argument-style hearing, not a full-blown new hearing. That is why he wished to address the Fiscal Court before it decided. Judge Pendery called on the remaining people who had signed in to speak: Joanne Shelly and Patrick Hughes. Neither had any comments to make.

Judge Pendery asked Paula Spicer to proceed with new business. Ordinance O-07-22 was read by title. O-07-22 updates the official zoning map to rezone an approximate 47-acre site located at 10743 South Licking Pike from Residential One A (R-1A) and Rural Residential Estate Phased (R-RE(P)) to Residential One C (R-1C) with a Residential Cluster Development (RCD) Overlay. Cindy Minter explained that on March 8 and April 12, 2022 the Campbell County and Municipal Planning and Zoning Commission conducted public hearings on a zone change request for approximately 46.51 acres in unincorporated Campbell County located between Alexandria Pike (old US 27) and South Licking Pike (a/k/a 10743 South Licking Pike). The current zoning is R-1A and R-RE(P). The intent of phased zoning regulations is to encourage development or redevelopment of a specified area for the use and/or density designated on the comprehensive plan when the necessary conditions for such development are realized. This site has access to public water and public sanitary sewer systems. The request was to rezone the property to R-1C with an RCD overlay. A total of approximately five hours were spent in the two public hearings during which the Planning Commission heard extensive comments from the public. The Planning Commission then voted 7-1 to approve the Stage 1 Preliminary Development Plan and zone change and to forward the zone change to the Fiscal Court for further action. Upon action by the Fiscal Court, she anticipates that the developer will move forward with more detailed engineering analysis.

Paula Spicer then continued new business with a first reading of Ordinance O-06-22. O-06-22 adopts the 2022 S-44 Supplement to the Campbell County Code of Ordinances. No vote was taken on the first reading of this ordinance.

Resolution R-37-22 approving execution of a County Road Aid Cooperative Program Agreement with the Kentucky Transportation Cabinet, Department of Rural and Municipal Aid for fiscal year 2023 funding in the amount of \$758,422.12 was read by title. Commissioner Painter made a motion to adopt R-37-22, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Resolution R-38-22 was read by title. R-38-22 approves Asif Sharfi to participate in the Campbell County Assessment and Reassessment Moratorium Program for the property located at 4936 Mary Ingles Highway, Silver Grove, Kentucky. Commissioner Painter made a motion to adopt R-38-22, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Resolution R-39-22 was read by title. R-39-22 approves funding in the amount of \$3,825,434 for the Transit Authority of Northern Kentucky for fiscal year 2023. Commissioner Painter made a motion to adopt R-39-22, seconded by Judge Pendery. Mr. Elberfeld explained that this year's funding is an increase of \$41,000 over the previous year. If you compare current contributions to those prior to the redesign it is a \$372,000 decrease. The focus of the redesign was to provide a higher frequency service in a tighter geographic area which has improved ridership and reduced cost. It is up slightly compared to a year ago, but the Fiscal Court is still paying less than it was before the redesign. Total funding from the budget is \$3.8 million. Advertisements on buses are used to reduce the expense of TANK overall. Fiscal Court funding does not pay for campaign advertisements on buses. Mr. Elberfeld clarified that the advertisements in question were for recruitment of workers at the jail. All voted "Aye" and the motion passed.

Resolution R-40-22 was read by title. R-40-22 authorizes the Judge/Executive to apply for funding from the Kentucky Department of Agriculture's Animal Control Advisory Board for the Spay and Neuter Grant Program. Judge Pendery made a motion to adopt R-40-22, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Ordinance O-08-22 was presented for a first reading. O-08-22 amends Chapter 73 "Traffic Schedules" of the Campbell County Code of Ordinances to add stop signs on Pleasant Ridge Road at Lees Road. Mr. Elberfeld confirmed that the residents reached out to the Road Department requesting the stop signs. The additional signs will make this a three-way stop intersection to improve safety. No vote was taken on the first reading of this ordinance.

Resolution R-41-22 was read by title. R-41-22 amends the Campbell County Police Policy and Procedure Manual at Chapter 16D.1 "Mutual Aid". Commissioner Besecker made a motion to adopt R-41-22, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Resolution R-32-22 was read by title. R-32-22 adopts a revised compensation schedule for non-represented staff of the Fiscal Court and authorizes corresponding amendments to the Administrative Code. Judge Pendery made a motion to adopt R-32-22, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to approve a 9% cost of living adjustment for non-represented Fiscal Court employees, Detention Center employees and employees represented by the AFSCME and FOP working agreements. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to advance Police Officer Amanda Bray from grade PO5 (\$29.24/hour or \$60,819 annually) to PO6 (\$31.29/hour or \$65,083 annually) effective May 11, 2022 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

A motion was requested to reappoint Brian Ellerman to the Transit Authority of Northern Kentucky (TANK) Board of Directors for a four-year term effective July 1, 2022 through June 30, 2026. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to reappoint Ken Lewis to the Northern Kentucky Convention and Visitors Commission for a three-year term effective August 1, 2022 through July 31, 2025. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

A motion was requested to appoint Rhonda Schweitzer to the Campbell County Board of Assessment Appeals for a three-year term effective June 1, 2022 through May 31, 2025. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Matt Elberfeld, County Administrator began his report by explaining that Blossom Lane is an access point to development of the Beverly Hills site in Southgate known as Memorial Pointe. Blossom Lane is on the County maintained road list. The road needs to be modified as a result of a traffic study and working with the developer for this project. He stated that the County portion of the road has a 35mph speed limit – speed limits on County roads are 35mph by default unless otherwise posted. The City of Southgate’s portion is 25mph. For consistency and the amount of traffic in the neighborhood, it makes sense for the entire road to be 25mph. His first item is a first reading to amend the ordinance changing the speed limit. The second item related to Blossom Lane is that there is a vertical curve in the County portion of the road that is less than ideal in terms of sight distance. The City of Southgate was able to secure about \$113,000 in road funding from the Transportation Cabinet to resurface the road and reduce the vertical curve. The road alignment will not change and there will be no right-of-way acquisition. Any costs above that will be shared by the Cities of Southgate and Ft. Thomas as they surround the road. The money will run through the County because it is a County maintained road but will not be a net expenditure to the County. He then read Ordinance O-09-22 by title. O-09-22 amends the Campbell County Code of Ordinances at Chapter 73 “Traffic Schedules” to modify the speed limit on Blossom Lane to 25mph. No vote was taken on the first reading of this ordinance.

Resolution R-42-22 was read by title. R-42-22 authorizes the Judge/Executive to execute a Memorandum of Agreement with the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways in the amount of \$113,750 for resurfacing of Blossom Lane (CR 1334). Commissioner Besecker made a motion to adopt R-42-22, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

Commissioner Besecker wished everybody a Happy Memorial Day – a time of reflection to honor veterans who are no longer with us. He thanked all who have served in the armed forces and those who are away from their families as summer begins.

Commissioner Painter congratulated County Clerk Jim Luersen on an event-free primary election. He has not heard any negative comments about the election. He also thanked all those who came out to exercise their right to vote.

Judge Pendery made the following announcements:

1. Jolly Thursdays returns to AJ Jolly Park beginning on Thursday, June 9 at 10:00am. The weekly programs will be held at the Stapleton Pavilion through July 28, 2022.
2. Music Night at AJ Jolly Park features the Derek Alan Band on Friday, June 17 from 7:30-10:30pm. The show is free and will be held at the Stapleton Pavilion. Food and drinks will be available for purchase – no outside food or coolers, please.

Judge Pendery advised that he had the good fortune to spend some time at CVG airport today on the occasion of the airport’s 75th anniversary. He presented some statistics about CVG: it is the 7th largest cargo airport in north America and the 20th largest cargo airport in the world, it has 16,000 badged employees on campus, white papers on economic effects show about a \$7 billion-dollar addition to the local economy, and 50,000 jobs ultimately depend on the airport.

According to peer organizations, CVG has been judged as the best regional airport in the US for 8 of the last 10 years. An update on Amazon was given – its new building will be a mile long –

the second largest building in the world. The airport is the economic engine for not only northern Kentucky but greater Cincinnati. We are very fortunate.

Marie Schenkel, Finance Director/Treasurer presented her report beginning with a motion to approve a change order in the amount of \$13,213.33 with MidStates Recreation to install a graduated sub-base for the new playground at A J Jolly Park. The playground is ADA accessible and is being paid for with ARPA funds. Motion was made by Commissioner Painter, seconded by Judge Pendery. All voted "Aye" and the motion passed.

Ordinance O-10-22 was presented next for a first reading. O-10-22 adopts the FY 2023 annual budget. Ms. Schenkel stated that budget themes and general assumptions haven't changed much. The Fiscal Court budgets very conservatively and fiscally responsible; it has very little control over its revenue sources and the needs for operations define the budget not available resources. The needs of the County are considered when allocating ARPA funds for projects. One of the biggest challenges this year is inflation, so increases in department operating expenses reflect the impacts of inflation. Another impact on the budget is the continuing costs of jail operation especially substance abuse disorders and attracting/retaining employees. She first looked at the FY22 budget vs. projected results adding that ARPA funds skew the numbers so ARPA and CDBG funds have been eliminated from the numbers shown. As of now, \$1.4 million surplus is projected, however this may change. She then reviewed variances in revenues and expenditures between FY22 and FY23, and capital purchases/projects including those carried over to FY23. Ms. Schenkel explained that \$150,000 was budgeted for the parking lot expansion at the Police Department. Unfortunately, the estimate was well beyond the amount budgeted and the project will not be rescheduled at this time. Comparing the FY22 budget with the FY23 proposed budget shows a \$8.2 million deficit. Generally, the difference is made up, however this year may be harder due to inflation. With built-in contingencies, she does not anticipate ending the year like that. Ms. Schenkel showed and explained a pie chart of the County's sources of revenue and then a chart showing its expenditures. She reviewed capital investments including maintenance/improvement of County infrastructure and providing departments with tools/equipment to perform services. Grant funding is used whenever possible. Ms. Schenkel discussed the Detention Center funding and expenditures; the majority of expenditures are fixed. She pointed out that much of the budget expenditures are outside of the Fiscal Court's control. She then addressed future financial considerations including long-term impact of COVID-19, high inflation rates, increasingly competitive wage rates, supply chain disruptions, federal and state funding, qualified workforce, future capital needs, the pension unfunded liability and monitoring cash flow/operating reserves. Ms. Schenkel then moved on to the proposed FY23 budget by fund. Ms. Schenkel announced that she is leaving the County in September and gave an overview of some of the accomplishments made by the Finance Department. She acknowledged that Laura Lewis has done an amazing job and was instrumental in many facets of the department's achievements and that Travis Lilley was a good addition to the staff. The staff works as a team and all have been cross-trained. Many new tools have been implemented to improve internal controls and efficiency. She explained the County's transparency efforts by having the budgets, OpenGov, opportunities and bids and surplus property for sale on the website. She advised that the proposed FY23 budget will be available for review on the County's website tomorrow. Ms. Schenkel added that all of this couldn't have happened without the support of Judge Pendery, the Commissioners and Mr. Elberfeld. Laura Lewis will take her

place as Treasurer as of July 1, 2022 and a new person will be starting on Monday to take Ms. Lewis' place. A woman in the audience asked about \$42,000+ funds received from a Mark Zuckerberg company during COVID for elections; she has not been able to find out what the funds have been used for. Ms. Schenkel advised that the funds were sent directly to the County Clerk's office and were used to offset the increased costs of the election during COVID. The woman stated that the County should not be taking money from a Zuckerberg company. Ms. Schenkel stated that the budget ordinance will be sent to the Department of Local Government for review and will then be scheduled for a second reading. Judge Pendery thanked everybody for their hard work preparing the budget. It amazes him the advances made over the years since he first took office. Ms. Schenkel has refined many things during her tenure. Ms. Schenkel credited her predecessor, Mr. Elberfeld and her successor, Ms. Lewis for bringing things along.

A motion was requested to adopt the annual standing order to preapprove certain recurring expenses such as utilities, contractual obligations, election workers and insurance in a timely manner without additional Fiscal Court approval. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Resolution R-43-22 was read by title. R-43-22 approves funding for the County Attorney's office for FY 2023 in the amount of \$190,080. There is no increase over last year. Judge Pendery made a motion to adopt R-43-22, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Resolution R-44-22 was read by title. R-44-22 authorizes the Judge/Executive to apply for the Federal Patrick Leahy Bulletproof Vest Partnership for reimbursement of bulletproof vest purchase costs for the Campbell County Police Department. Commissioner Besecker made a motion to adopt R-44-22, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Resolution R-45-22 was read by title. R-45-22 requests the Kentucky Transportation Cabinet to reimburse the Fiscal Court for transportation of non-public school students for the 2021-2022 school year. Ms. Schenkel explained that the Fiscal Court paid the school district \$271,540.76 to transport non-public school students. In the last few years, the Fiscal Court has gotten close to 100% reimbursement of these costs from the State. Commissioner Besecker made a motion to adopt R-45-22, seconded by Commissioner Painter.

A motion was requested to approve the claims and claims paid per standing order dated May 11 and 18, 2022. The County Attorney advised that he has reviewed the claims and determined that they all appear appropriate. Commissioner Painter made a motion to approve the claims, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Painter made a motion to adjourn, seconded by Commissioner Besecker. All voted "Aye" and the meeting adjourned at 7:35p.m.

Attachments:

Ordinance O-07-22 1st Reading to Update the Official Zoning Map

Ordinance O-06-22	1 st Reading to Adopt Code of Ordinances Supplement
Resolution R-37-22	County Road Aid Agreement for FY23 Funding
Resolution R-38-22	Application – Property Assessment/Reassessment Moratorium
Resolution R-39-22	TANK FY23 Funding
Resolution R-40-22	Application for Spay & Neuter Grant Funds
Ordinance O-08-22	1 st Reading to Amend Traffic Schedules Adding Stop Signs
Resolution R-41-22	Amend Police Policy & Procedure Manual
Resolution R-32-22	Adopt Employee Compensation Schedule
Ordinance O-09-22	Amend Traffic Schedules Modifying Speed Limit
Resolution R-42-22	Agreement with KYTC Dept. of Highways for Resurfacing Project
Ordinance O-10-22	1 st Reading of FY23 Budget
Resolution R-43-22	FY23 Funding for County Attorney's Office
Resolution R-44-22	Application for Bulletproof Vest Partnership Grant Funds
Resolution R-45-22	Application for Reimbursement of School Busing Costs
Claims and Claims Paid Per Standing Order dated May 11 and 18, 2022	

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk