

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

NOVEMBER 20, 2019

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 20, 2019 at 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
GEOFF BESECKER
TOM LAMPE
BRIAN PAINTER

County Attorney Steve Franzen,
County Administrator Matt Elberfeld
Assistant County Administrator Kim Serra,
Fiscal Court Clerk Paula Spicer,
Police Chief Colonel Craig Sorrell,
Human Resources Director Mary Stowers

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.

Minutes from the Mayors meeting of October 15, 2019 and regular Fiscal Court meeting of November 6, 2019 were presented. Commissioner Painter made a motion to approve the minutes, seconded by Commissioner Besecker. All voted "AYE" and the motion passed.

Judge Pendery administered the Oath of Office to Police Officers Ashley Tate and Robert Boody. Officer Tate's wife, a Major at the Campbell County Detention Center, pinned on his badge. Officer Tate then introduced his two daughters. Officer Boody is a lateral officer having served in Florida and in Bracken County, Kentucky. His wife is a police officer in Florida. Chief Sorrell pinned his badge. Judge Pendery welcomed them both to the Campbell County family. He acknowledged that police work is dangerous and stated that they will always have the support of the Fiscal Court.

Judge Pendery stated that it appears that those who had signed in to address the Fiscal Court wish to comment on the zoning map ordinance. He suggested that after the ordinance is read and Cindy Minter gives an explanation, he would call on those who had signed in for their comments.

There being no old business, Paula Spicer presented new business with a first reading of Ordinance O-13-19 to update the official zoning map for unincorporated Campbell County to include a Residential Cluster Development Overlay Zone (RCD) on the existing Residential-1C (R-1C) Zone for the Parkside III Development in Campbell County, Kentucky. Cindy Minter explained that the subject area is referred to as the Reserves of Parkside or Parkside III. In 2014 about 39 acres of the subdivision were sold off as large lot developments. In May of 2019, a case was brought before the Planning Commission whereby some streets were reconfigured largely due to significant drainage areas – the entire subdivision is now brought up to the current subdivision standards with better quality streets. Ms. Minter stated that the Planning Commission met on November 12 and approved a residential cluster development on the remaining 96 acres of the development. She indicated this on a map of the area. The current homes in the subdivision are detached single-family homes. The proposal is to build attached single-family homes. The previously approved density rate of 3.4 dwelling units per acre will be retained so the overall density will not increase. Ms. Minter stated that the proposed homes will be two individual homes each on its own deed and lot with a shared firewall between the units and showed concept drawings of the proposed homes. An HOA will cover outdoor maintenance; the price range is \$180,000-\$230,000. SunValley Realty is the developer and Fischer Homes is the builder of these homes. She then pointed out the drainage areas on a map which is partly the reason for the subdivision redesign. The development was stalled during the downsize of the economy and is just starting to get some new activity.

Commissioner Besecker thanked Ms. Minter for her concise report. He asked how many residents attended the Planning Commission meeting and asked if residents of the entire Parkside subdivision were notified of the meeting. Ms. Minter replied that there were about 12 people in attendance. She mailed about 177 letters to residents in Parkside and the Reserves of Parkside; only one letter was returned. She stated that the Planning Commission's unanimous recommendation to the Fiscal Court is to approve the overlay. She admitted that this is a new style of home for this development – it is the first patio-style home with two units in Campbell County. It has been very popular in other areas. Ms. Minter advised that representatives of Fischer Homes and Sun Valley Realty are present. Commissioner Painter thanked Ms. Minter for her presentation. He asked if this is the third iteration of the Parkside Development and if there was to be a street to come out at the bend of the road on Racetrack Road. Ms. Minter stated that she has been involved in three different changes for the project. There was to be a street onto Racetrack Road but it was changed prior to May 2019 due to drainage and soil issues. Commissioner Painter stated that there were signs at the development indicating that a pool and clubhouse would be built at the Reserves in Parkside, but that has not occurred. He stated that the proposed type of no-maintenance home has become more popular and he understands that, however if he had purchased a home in 2005 and thought that there would be a pool and clubhouse he would be concerned about his investment. He does have concerns about the redesign and is willing to meet with the HOA to hear the residents' concerns. Ms. Minter stated that it is not uncommon for a subdivision to have one or more HOA's. The Planning

Commission does not get into details of agreements of an HOA between the property owners and the management companies; they have no control over that. In this case, the subdivision was previously approved and they are asking to keep the same density. She expects that since the new homes have outdoor maintenance associated with them, there would be a separate HOA with a higher fee. Commissioner Lampe thanked Ms. Minter and the Planning and Zoning Commission for the comprehensive information provided prior to the meeting. Judge Pendery stated that five people signed in to speak and asked if each could hold their comments to a couple of minutes. He then called on Stephanie Kemplin.

Ms. Kemplin, 1213 Parkside Drive stated that she was not notified of this by letter, it was sent to the front part of Parkside, and the subject area is adjacent to her property. She is concerned about the claim that a letter was mailed to her house but she did not receive it. Her other concern is that there is not another access to the subdivision creating more traffic past her house. If she had known about the revision in May and she would have attended the meeting. Judge Pendery explained that this is the first of two readings of the ordinance; the Fiscal Court will not act until the second reading if it chooses to vote on the ordinance.

Lonnie Kemplin, 1213 Parkside Drive stated that he bought a house in a subdivision that was supposed to have homes similar to his and not condos or two-families. Now they want to drop the price range and there will not be another access out of the subdivision because of soil issues, yet they are going to build condos/houses on it. He would like to have another access on to Woeste Road.

Greg Maggard, 1244 Parkside Drive stated that he like others was not notified of the zoning action. In 2014 when he bought a house there was a sign that said “pool and clubhouse coming”. He assumed that he was buying into a family neighborhood with similar houses. As a father of two young children, he is also concerned about increased traffic. He estimates that there will be 214 more houses built.

Nathan DeGroff, 1183 Wildflower Court, attended the meeting to get more information. He also attended the Planning and Zoning meeting. He asked if the price is for the structure itself or individual units being sold. Ms. Minter replied that Fischer Homes gave her the price. Mr. DeGroff stated that at the Zoning meeting they were described as single-family homes that are attached, but they are single structures with two units. The products are multi-family structures split into two single family lots by a wall on the line dividing the two lots, so the lots have been shrunk. If these were split they would not be able to stand alone. This is a creative way to build multi-family structures in a single-family R-1C zone. Judge Pendery stated that in Newport many buildings share walls and they are platted as separate lots and considered single-family. He takes Mr. DeGroff’s point, but technically they are single family homes. Ms. Minter confirmed that the units are on their own deed and own parcel and sold individually.

Matt Snowball, HOA representative of the Reserves of Parkside, stated that nobody in the area was notified. He has received messages/calls from residents with concerns about this issue. When he bought his house, he was zoned to have two parking spaces on the street – there will not be enough room for an additional 400+ cars. He stated that he and many residents are disenfranchised by not having the promised pool and clubhouse. The clustered homes are a big

deal for him because the literature he received when he bought his home said single-family homes. The traffic is a safety issue – there must be a way to get another access in an out of the subdivision.

Joe Kramer, Cardinal Engineering on behalf of Sun Valley Real Estate, understands that not everybody likes every style of house, but the areas selected for the patio homes are on dead-end cul-de-sacs; the homes will not be intermixed with other single-family homes in the subdivision. He explained that the current HOA fee is about \$90 per year which pays for street lights. The residents of the patio homes will have all exterior maintenance, snow removal and grass taken care of with an HOA fee of about \$1,200-\$1,500 per year. The patio homes will start at \$180,000 for each unit. Commissioner Besecker asked if due diligence was done years ago prior to not developing this area when the recession hit in 2008, or is it a new-found problem that the area is unable to support another egress from the subdivision. Mr. Kramer stated that the developer was probably aware of soil problems about 15 years ago. Problems were evident in the previous Parkside subdivision. The soil problems were suspected and a detailed study was done last spring. The soil issues are not impossible to overcome, but it made more sense to not connect the street and limit the dead-end cul-de-sacs to patio homes. Mr. Kramer then explained two ways that the soil can be made more suitable for installation of a roadway however it is very challenging and expensive. He stated that the pond will be enlarged for stormwater retention.

Steve Franzen stated that the pool and clubhouse is an issue between the property owners and the developer and he doesn't think that the Fiscal Court should get involved. He asked about the legal obligations of the developer. Tom Munninghoff, Managing Member of Sun Valley, explained that Sun Valley is the land developer and Fischer Homes is the builder for the Reserves of Parkside. The intent was that Sun Valley would donate the land and Fischer would build the pool and clubhouse. They are still prepared to donate some land for recreation however Fischer says that it is not feasible in a development this size to build the pool and clubhouse. Mr. Munninghoff has been involved with this project since 1992-1993; they didn't sell any lots for five years during the recession. Sun Valley brought sanitation to southern Campbell County, the high school would not be there if they hadn't, they also brought the gas line in a mile for the homes. He does feel bad about the pool and clubhouse. Mr. Munninghoff stated that there is need and demand for patio homes in Campbell County – they are popular in Boone and Kenton Counties. He stated that there is an HOA meeting coming up and the patio homes and traffic will be discussed. He believes that Sun Valley has done a good job and created a lot of tax base in southern Campbell County. He added that the average price of the existing homes is about \$300,000.

Judge Pendery advised that there is time before the second reading of the ordinance giving everybody a chance to hear comments and gather information in order to deal with it at the next meeting. There are statutory rules regarding the Planning and Zoning Commission's recommendations to the Fiscal Court and what the Fiscal Court may consider in its decision to affirm or deny the recommendation. He welcomed the audience to attend the next meeting. Commissioner Besecker stated that later in the agenda there is an agenda item regarding the next Fiscal Court meeting. Mr. Elberfeld explained that due to the Thanksgiving holiday there are only 2-3 working days between Thanksgiving and the next regularly scheduled meeting. Therefore, he recommends that the December 4 meeting be canceled making the next regular

meeting December 18 at 5:30pm in Newport. This will allow the Planning Commission to approve their meeting minutes and give the Commissioners time to review the information.

Mr. Snowball asked if it would be appropriate for the residents to contact Planning and Zoning directly as an HOA with more information. Ms. Minter stated that she would be happy to meet with the HOA. Commissioner Besecker stated that he would be willing to discuss the issue further with them. Mr. Snowball asked if it is appropriate to invite the Commissioners to the December 5 HOA meeting to meet with the homeowners. Mr. Franzen stated that this issue is before the Fiscal Court on the recommendation of the Planning and Zoning Commission. He would discourage the Commissioners from seeking evidence outside this meeting forum. They are supposed to decide the issue on the record that was developed and not on anything outside the record. He can't stop them, however it would subject the Fiscal Court to potential legal pitfalls if they used evidence that was not properly presented at the public hearing. Commissioner Painter asked then if it was best to go through the Planning and Zoning Director? Mr. Franzen agreed that it would or to talk in a public meeting. He would not advise that they have individual meetings. Commissioners Painter and Besecker agreed to yield to the advice of the County Attorney.

Resolution R-110-19 was read by title. R-110-19 authorizes the Judge/Executive to enter into a contract with the Commonwealth of Kentucky to accept Emergency Management Assistance Program Grant Funds to support operation of the Campbell County Office of Emergency Management. Commissioner Painter made a motion to adopt R-110-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Resolution R-111-19 was read by title. R-111-19 authorizes the Judge/Executive to execute a contract with the Commonwealth of Kentucky, Division of Emergency Management to accept Fiscal Year 2020 Rescue Aid Program Grant Funds for the Campbell County LandSAR team. Commissioner Lampe made a motion to adopt R-111-19, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to adopt the Holiday Schedule for 2020 for Campbell County Fiscal Court employees. Motion was made by Commissioner Besecker, seconded by Commissioner Painter. Commissioner Besecker questioned the "Spring Holiday". Mr. Franzen explained that in the 1980's some governments were sued for having a religious holiday. The Judge ruled that they could not do that, but they could have a spring holiday. Mr. Elberfeld added that the holiday always falls on the Friday before Easter Sunday. All voted "Aye" and the motion passed.

Resolution R-112-19 was read by title. R-112-19 authorizes the Judge/Executive to enter into a three-year lease agreement with the YMCA of Greater Cincinnati d/b/a Campbell County YMCA for non-exclusive use of certain areas of Morscher Park in consideration of One Dollar per year. Judge Pendery made a motion to adopt R-112-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Judge Pendery made a motion to appoint Robert Giles to the Inmate Supervisor/Maintenance Worker position with compensation set at Pay Grade 2, \$29,640.00 annually (\$14.25 per hour),

seconded by Commissioner Lampe. Mr. Elberfeld explained that this was a seasonal position however staff believes that the workload warrants a full-time position. The benefit to this position is that Mr. Giles will pick up a work crew from the jail every day thereby getting the labor of 4-5 people with only one paid position. All voted “Aye” and the motion passed.

Judge Pendery then made a motion to appoint Mickey Alan Meyer to the Central Campbell Fire District Board of Trustees to fill the unexpired term of Albert Garnick effective November 21, 2019 through June 30, 2023. Commissioner Besecker seconded the motion. All voted “Aye” and the motion passed.

Mr. Elberfeld requested a motion to meet in Executive Session pursuant to KRS 61.810(1)(b) for deliberations on the future acquisition or sale of real property by the public agency when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by the public agency. He added that the Executive Session will take place at the end of the regular meeting and that no action will be taken as a result of the Executive Session. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

Commissioner Besecker congratulated Sarah Cameron upon her appointment to the Attorney General’s transition team, and Michelle Snodgrass and Karen Cheser on their appointments to the Governor’s transition team.

He then announced that the pier wall on Lee’s Road was finished and the asphalt is down.

Commissioner Besecker advised that he attended the Scripps Howard Center for Civic Engagement at NKU. He saw the Associated Press National Director of Politics Steven Sloan this past week at the Griffin Hall Digitorium. It is an impressive auditorium. The students that he took with him appreciated the analysis of the gubernatorial election.

Commissioner Lampe thanked all of the agencies that responded to shots fired resulting in two fatalities on the evening of November 8. Chief Sorrell and other members of the Campbell County Police Department were on the scene. This is a reminder that no community is immune to these types of situations. He is happy to say that the suspect was apprehended later that night. Chief Sorrell added that 17 officers were involved including a K-9 officer. There was good coordination between the Alexandria Police Department and Campbell County Police Department.

Judge Pendery made the following announcements:

The Campbell County Fiscal Court offices will be closed on November 28 and 29, 2019 in observance of the Thanksgiving holiday.

The Fiscal Court meeting scheduled for December 4, 2019 has been cancelled. The next regular meeting will be on December 18, 2019. Judge Pendery then made a motion to cancel the December 4, 2019 Fiscal Court meeting with the next regular meeting being on December 18,

2019. The motion was seconded by Commissioner Lampe. All voted “Aye” and the motion passed.

Judge Pendery then made a motion to move the January 1, 2020 Fiscal Court meeting to Thursday, January 2, 2020 at the Campbell County Courthouse, 8352 East Main Street, Alexandria due to the New Year Day holiday on Wednesday, January 1. Commissioner Lampe seconded the motion. All voted “Aye” and the motion passed.

The final announcement was that the annual Christmas Tree Recycling Program will take place December 26, 2019 through January 10, 2020. Live, undecorated trees may be dropped off at the designated area at Pendery Park.

Matt Elberfeld presented the Finance Director/Treasurer’s Report by requesting a motion to authorize staff to advertise for bids for the following repaving projects:

- (a) Main drive at Pendery Park (Williams Lane) from the railroad tracks to Route 8 and an alternate bid to add an apron to Morscher Park,
- (b) A J Jolly Park Roads from the ranger station to the causeway and replace culverts on the road back to the dam. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

A motion was requested to accept the bid of Beechmont Ford Inc. for a Ford F550 1.5-ton dump truck with plow package in the amount of \$86,250 for the Road Department. The bid is a result of the joint solicitation by Boone, Campbell and Kenton County Fiscal Courts. Motion was made by Commissioner Painter, seconded by Judge Pendery. All voted “Aye” and the motion passed.

A motion was requested to accept the bid of Lonkard Construction in the amount of \$186,445 to replace the East Alexandria Pike #63 bridge at the intersection of East Alexandria Pike and Upper Tug Fork Road. The County applied and was approved for KYTC 80-20 funding for this project and expects to receive about \$80,000 toward the cost of the bridge replacement. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

A motion was requested to accept the bid of SLCS Cleaning LLC to provide janitorial services at the County Administration Building, 1098 Monmouth Street, in the amount of \$2,550 per month (\$30,600 annually). The new contract will begin January 1, 2020. It has been three years since the County solicited bids for these services. Motion was made by Commissioner Lampe, seconded by Judge Pendery. Mr. Elberfeld stated that this is for daily cleaning of all areas of the County Administration Building except for the area occupied by the Health Department. All voted “Aye” and the motion passed.

A motion was requested to accept the bid of Wm. Kramer and Son, Inc. in the amount of \$33,190 to replace the roof at the Campbell County Police Department. The cost is included in the FY20 budget. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted “Aye” and the motion passed.

Resolution R-109-19 was read by title. R-109-19 approves golf course greens fees, cart rental fees and season pass fees for A.J. Jolly Golf Course for the 2020 golf season. Commissioner Lampe made a motion to adopt R-109-19, seconded by Judge Pendery. All voted “Aye” and the motion passed.

A motion was requested to authorize the purchase of a 2020 Ford Escape AWD from Paul Miller Ford, Lexington, at the Kentucky Master Agreement price of \$25,970, for use by the County’s Building Inspectors. The purchase is included in the Planning and Zoning Department’s FY20 budget. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “Aye” and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims dated November 20, 2019. County Attorney Steve Franzen advised that he has reviewed the claims and determined that they all appear appropriate. Commissioner Lampe made a motion to approve the claims, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

At 6:50p.m. the Fiscal Court met in Executive Session pursuant to motion previously made.

Commissioner Painter made a motion to exit the Executive Session, seconded by Commissioner Besecker. All voted “Aye” and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Lampe made a motion to adjourn, seconded by Commissioner Painter. All voted “AYE” and the meeting adjourned at 7:02 p.m.

Attachments:

Ordinance O-13-19 Update Zoning Map
Resolution R-110-19 Contract for Emergency Management Assistance funds
Resolution R-111-19 Contract for Rescue Aid Program Funds
Resolution R-112-19 Lease of Soccer Fields at Morscher Park
Resolution R-109-19 Approve A J Jolly Golf Course Fees for 2020
Claims dated November 20, 2019

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk