

CAMPBELL COUNTY FISCAL COURT MINUTES

January 21, 2009

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, January 21, 2009, 5:30 p.m. at the Fiscal Court offices, 24 West Fourth Street, Newport, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:15 p.m. for the purpose of receiving public comments regarding the application for Entertainment Permit by David and Jennifer Sandhas d/b/a Billie's Skyline Tavern. Present at the hearing were:

Steve Pendery, Campbell County Judge Executive
David Otto, County Commissioner
Kenneth Rehtin, County Commissioner
James Daley, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
John Austin, Government Relations Manager
David Plummer, Administrative Analyst
Col. Keith Hill, Campbell County Police Department
Jim Seibert, Director of Fiscal Affairs

Judge Pendery opened the public hearing. James Daley explained that there are certain statutory requirements that an applicant must comply with to obtain an entertainment permit: three advertisements and a public hearing. He noted that an investigation was conducted with the assistance of the Campbell County Police Department, who indicated that everything was satisfactory, and Mr. and Mrs. Sandhas had met the necessary requirements. Jennifer Sandhas was present at the hearing. Mr. Daley asked if there were any questions or comments from the public. There being none, the public hearing was closed at 5:20 p.m.

A second public hearing was opened by Judge Pendery to receive comments and suggestions pertaining to the application for a recreational grant which, if awarded, will be used to complete a 4000 foot multi-purpose trail at A J Jolly Park. David Plummer, Administrative Analyst, explained that the Governor's Office of Local Development (GOLD) is accepting applications for the 2009 Recreational Trails Grant Program. Dennis Reller, Recreation Manager, recommends that the County apply for a grant. Mr. Plummer distributed copies of a site map of A J Jolly Park showing the existing trail and the proposed multi-purpose trail to be built if the grant is received. The trail is included in the 2002 Recreational Master Plan, a collaboration of ideas from citizens as to what direction they'd like the parks to take. The new trail will connect to the existing trail resulting in over a mile-long multi-purpose trail; it will also connect to Parkside Subdivision. The Grant is a 50-50 matching grant. The County is applying for \$60,000 for pipes, concrete for culverts, proper safety signage, striping and asphalt. The County's match will be in-kind services consisting of labor, equipment and fuel. Mr. Plummer confirmed for Commissioner Rehtin that all matches are in-kind, and there is no cash outlay by the County.

Tim Nolan, citizen, asked if the in-kind services will take workers off of their regular jobs. Mr. Plummer explained that the project will take place in September when work in the parks and road department lessens, freeing them to work on the trails project. Mr. Nolan wondered if it weren't for the trails project, what would the employees be doing. He then asked if a permit is needed to access the trails. Mr. Plummer stated that the trails are free, however, there is a fee for parking in the Park. Commissioner Rechlin asked if jail inmates could assist in the labor portion of the project. Mr. Plummer stated that if inmates are used, it may change the rate that they calculated for labor for the project, and the work may also require certain skills which the inmates don't have. He will investigate this further.

Mr. Nolan asked why the grant money is needed if in-kind labor will be used to build the trail. Mr. Plummer explained that the grant funds will be used for materials such as asphalt, fitness stations, culverts, pipes, to be purchased on a reimbursement basis. Commissioner Otto stated that he would like staff to continue to look for other grants; it seems that most County recreation facilities are at the southern part of the County and on Route 8. Perhaps the County could partner with cities to obtain grants for recreation uses. Most of the tax base is in the northern part of the County and we need to concentrate on the north end.

Mr. Nolan asked if the park over-all lost \$300,000 last year as reported in the newspaper. Robert Horine stated that \$300,000 is the total recreation budget, not only for A J Jolly Park, but also Penderly Park, Moser Field, and most of the costs go for the limited staff and maintenance of the parks. The net cost to operate the park minus revenues from camping, etc. is about \$300,000. Mr. Nolan asked how much money does A J Jolly Park lose. Commissioner Otto stated that he doesn't consider it a loss because the park provides a service to the citizens. He stated that at a meeting in Alexandria last year, Mr. Nolan and others asked to look at the budget, and were told that they were welcome to do that, but he doesn't know if they ever did. Mr. Nolan stated that there are fees charged for use of the golf course; does the golf course lose money. Commissioner Rechlin stated that if you compare income versus expenses on the golf course, the expense is greater than the income. Mr. Seibert stated that for 25 years the golf course made \$75,000-\$100,000 and those funds were transferred to the general fund. Commissioner Rechlin stated the Fiscal Court is concerned about the recreation expenditures and are looking at options to help fix it. It is not fair to say that income should cover all expenses when it comes to recreation. Mr. Nolan asked if the Fiscal Court has looked at any money-making operations to help with the costs of the park. Commissioner Rechlin and Judge Penderly stated that the County is looking at various options in connection with the operating costs of the park and golf course. Judge Penderly stated that rounds of golf have fallen off dramatically for everybody due to overbuilding nationally. He stated that even if you shut down the golf course in an attempt to save money, you still have to pay the debt service and may end up losing more money. Privatization may not be the answer either as golf courses are for sale all over the United States, and a leasee would experience the same problems that the County has. He pointed out that there are two courses in Campbell County competing for business. Mr. Nolan stated that there used to be money-making opportunities in the parks, is the County looking at anything like that for revenues. Commissioner Otto stated that swimming pools are a losing proposition as evidenced in the 2002 recreation plan which explores many options. The County does not make money on soccer or baseball. The County at one time looked at putting a lodge at A J Jolly, however since US 27 was not finished, it makes the park less accessible. He stated that the economy also affects use

of golf courses, and the opening in 1997 of two public courses in Campbell County which took players away from A J Jolly. Mr. Nolan suggested that the golf course be closed. Judge Pendery reiterated that the County would still have to pay the debt service on the course. He stated that one estimate showed a cost of \$135,000 with the course closed as opposed to a \$60,000 cost while operating.

Lloyd Rogers, citizen, suggested opening a water park. Judge Pendery stated that he's not heard of anybody making money at a water park. Recreation is normally subsidized and the more that is provided, the bigger the bill. Commissioner Rehtin stated that one option to consider would be a reception center similar to the Plantation at Twin Oaks Golf Course which may increase rounds of golf and offset losses. The answer may be to invest more or to allow a lease and have somebody build such a facility. Commissioner Otto stated that two years ago they thought there would be a boon in Alexandria and nearby areas due to the new plant opening, but the building and people haven't come. In 2002 the County had considered building a swimming pool, but due to the economy and lack of construction and the delay of the US 27 project, it is not feasible.

Mr. Rogers stated that he wanted to put something into the minutes before the public hearing is closed; he submitted a one-page document titled "C. An Open Meeting" to be entered. He stated that public hearings should be held in Alexandria because of the facility space, there are only 11 seats for people to sit and people can not get to the hearing because of the 5:15 p.m. time. He suggested that public hearings be held at 7:00 p.m. in Alexandria because it is a bigger facility, or if it is held in Newport, hold it in a bigger facility than this room according to what he read in an Attorney General's Opinion. James Daley suggested that if the Fiscal Court wants to accept the document into the record, it be accepted at the regular Fiscal Court meeting, as it has no place in a public hearing regarding trails in the park.

J. R. Roth, citizen, asked if the site for the trails is set in stone, because he understood that the Extension Office was looking at doing stuff at A J Jolly with the trail system and building and everything else; maybe it could be tied in with what the extension office is doing. The trail is proposed to be blacktop, but will the project be competitively bid with either gravel, other pavement materials or concrete. He stated that the road department workers who will build the trail are being paid, so the \$120,000 spent on this sidewalk is a premium for what it would cost to have a sidewalk put in. Judge Pendery stated that they're looking at it as \$60,000 in free money if you're willing to do the work. Mr. Roth stated that the job could be done in stamped concrete at today's prices versus asphalt. Mr. Plummer stated that the trail will be 10 foot wide because the minimum amount of space to accommodate multiple activities must be 8-10 feet. They chose 10 feet because the previous trail is 10 feet wide and the new trail would not fit or connect right if it was 8 feet. Mr. Plummer stated that whatever is submitted to the State in the application is the project that must be constructed. If the Extension Office wanted to do anything at A J Jolly Park they would have had to go through the Fiscal Court or the Recreation Manager; the Fiscal Court did not contact the Extension Office concerning the trail. Mr. Roth asked how many people do they think will use the trail, and what would the cost be per person. Mr. Plummer stated that once the trail is completed and the fitness stations added, he expects that usage will increase. Judge Pendery stated that the proposed trail is different than the Extension Office trail because it runs along the periphery of the park. Commissioner Rehtin stated that the trails at Pendery Park get a lot of use. Ms. Williams stated that the same is true at A J Jolly,

because residents from unincorporated areas that have no sidewalks, feel safer walking on a paved path. Robert Horine stated that the County is using asphalt because the road department has the equipment and capability to install it. The County owns and operates a small paving machine, so it is just a matter of getting the materials. He stated that they do not do as much concrete work and don't have the equipment. Mr. Roth stated that if they bid the project to a private contractor, they would be amazed at the price. Mr. Roth stated that maybe a hard material is not right for the trail; maybe it could be gravel. Commissioner Otto stated that cyclists will use the trail also.

Commissioner Otto requested that the minutes reflect that only one person was present to talk about the subjects of the two public hearings. There being no further discussion, the public hearing was closed at 5:45 p.m.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Jim Seibert	Director of Fiscal Affairs
James Daley	County Attorney
Col. Keith Hill	Chief, Campbell County Police Department
John Austin	Government Relations Manager
Paula Spicer	Fiscal Court Clerk
Greg Buckler	Jailer
David Plummer	Administrative Analyst

The meeting was called to order at 5:45 p.m. by Judge Pendency.

Judge Pendency 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 Meeting held on January 7, 2009, were presented by Judge Pendency. Commissioner Rechtin requested that the first sentence in the last paragraph on page two of the minutes be corrected to read "... either from the ~~lender or mortgage holder~~ bank or lending institution who has taken the property back,...". Motion was made by Commissioner Otto, seconded by Commissioner Rechtin, to approve the minutes as amended. All voted "AYE" and the motion passed unanimously.

There were no guests scheduled to speak, so Judge Pendery opened the floor for comment. Lloyd Rogers resubmitted the document which he previously presented during the public hearing. Mr. Nolan asked if the Fiscal Court considered this a meeting at the county seat. Judge Pendery replied that yes he does consider this meeting to be held at the county seat. Mr. Nolan stated that then the Fiscal Court does not believe that the statutory notice for meetings not held at the county seat was required. James Daley confirmed that the Fiscal Court does consider this the county seat. Mr. Nolan cited a statute that says when a meeting is held outside the county seat the public must be notified, and his understanding is that the public was not notified of this meeting. Mr. Daley explained the meaning of the statute. However, as long as it is a regular meeting held at a regular place at the county seat, the notice is not needed. Commissioner Otto asked Lloyd Rogers if, during his tenure as Judge/Executive, they put special notices in the newspaper. Mr. Rogers stated that he doesn't remember; the attorney at the time, Twehues, didn't advise him of that. He stated that he probably did not do the law right, because at that time it was never brought up, but two wrongs don't make a right. Judge Pendery stated that they haven't perceived themselves as doing anything wrong, but if they find out that they are, they will correct it. Mr. Nolan stated that there have been notices published in the Campbell County Recorder which were confusing to him. He has never seen a notice that says that they are holding a hearing outside of the county seat, even though obviously every other meeting is because it's held here in Newport. James Daley stated that this building is considered the county seat. Judge Pendery stated that everybody is operating under the assumption that they're doing the right thing. If that changes due to a court ruling, they will do what is right. Mr. Nolan stated that House Bill 103 substantially changed the landscape in terms of the obligation of the Fiscal Court; it was a significant change in the law. Mr. Daley suggested that since these matters are in litigation, they discontinue the discussion.

J. R. Roth stated that Commissioner Hayden is not present, and wondered if there were any rules about attendance at meetings. He asked if Commissioner Hayden has to be present at every meeting, and pointed out that he has missed two meetings in a row. Commissioner Rehtin advised that Commissioner Hayden did notify Judge Pendery and Mr. Horine that he would not be present. He stated that they all have obligations that sometimes cause them to be absent; he is not aware of any rules.

Mr. Roth stated again that he would like to see competition in the paving material choices for the trails project. He has reviewed the county's road surfaces, and they are about 99.9% asphalt, except for Kramer Drive which was done in concrete.

Mr. Roth expressed his dissatisfaction with Cincinnati Bell's response regarding the franchise agreement for cable. He stated that there are places that do not yet have Zoomtown or broadband, yet they are applying for a franchise to provide cable TV. He was told by Jennifer Teipel, Campbell County Cable Board, that there is a private meeting tomorrow, and a public hearing on Tuesday, which was to be advertised in the Kentucky Post, not the Recorder, so he's not sure if the public hearing will be held according to the rules. He wanted to state again that if the County does a franchise agreement with Cincinnati Bell that they (Cincinnati Bell) do the build-out requirements.

There being no old business to be considered, Melissa Williams presented new business. Resolution R-03-09 was read by title and summary given. R-03-09 authorizes the County Judge/Executive to apply for grant funds from the Recreational Trials Program for the construction of a multipurpose trail within A. J. Jolly Park. This is the project which was the subject of the public hearing. The grant request is for \$60,000, with total project estimated at \$120,000. Commissioner Rechtin made a motion to adopt R-03-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously.

Resolution R-05-09 was read by title and summary given. R-05-09 authorizes the County Judge/Executive to execute a Purchase Order Agreement with the Commonwealth of Kentucky in the amount of \$11,275.00 to be used for the purchase of body armor and AR 15 patrol rifles for the Campbell County Police Department. The funds for the purchase are from a Kentucky Homeland Security grant. Commissioner Rechtin made a motion to adopt R-05-09, seconded by Commissioner Otto. Col. Keith Hill explained that most of the money will be used to replace vests, which must be replaced every 5 years due to manufacturer's warranty. Ten vests will be replaced at a cost of \$385 each. Chief Hill stated that once he receives the check he can purchase the vests as long as they are on the approved list. All voted "AYE" and the motion passed unanimously.

Resolution R-06-09 was read by title and summary given. R-06-09 authorizes payment of a claim payable from the Community Development Block Grant for the Campbell County Homebuyer Program. Ms. Williams stated that the claim is in the amount of \$40,000 to fund a mortgage for a home at 619 Saratoga Street. Commissioner Rechtin made a motion to adopt R-06-09, seconded by Judge Pendery. All voted "AYE" and the motion passed unanimously.

Resolution R-07-09 was read by title and summary given. R-07-09 authorizes the Judge/Executive to execute a professional services agreement with Cardinal Engineering Corporation in the amount of \$13,160.00 for design of a water line in A. J. Jolly Park. The water line will be 3,700 lineal feet. Commissioner Otto made a motion to adopt R-07-09, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed unanimously.

Ms. Williams requested a motion to accept the resignation of Officer Nicholas Timon effective January 14, 2009. Judge Pendery made the motion, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed unanimously.

A motion was then requested to accept the resignation for retirement purposes of Lieutenant David Fickenscher effective February 1, 2009. Judge Pendery made the motion, seconded by Commissioner Rechtin. Commissioner Otto stated that the County is losing a good Officer. Chief Hill advised that Lt. Fickenscher will retire with 21 years of service. All voted "AYE" and the motion passed unanimously.

Ms. Williams requested a motion to reappoint Michael Almoslecher, Ken Warden and Michael Schulken to the Campbell County Board of Ethics for a one year term effective February 1, 2009 through January 31, 2010. Judge Pendery made the motion, seconded by Commissioner Otto. All voted "AYE" and the motion passed unanimously.

Robert Horine presented his report next. Resolution R-08-09 was read by title and summary given. R-08-09 endorses an application to the Kentucky Department for Local Government to fund the Campbell County Neighborhood Stabilization Program to be administered by the Newport Millenium Housing Corporation III. A presentation on this program was given at the last Fiscal Court Meeting. The Newport Housing Authority, through the Newport Millenium Housing Corporation, proposes to apply for \$4 million to undertake a neighborhood stabilization program in Campbell County. The program is designed to acquire foreclosed-upon property, rehab it and resell it to qualified homebuyers in order to stabilize neighborhoods. These are federal funds administered by the state. The Cities of Bellevue, Dayton, Silver Grove, and Highland Heights have expressed interest in the program, and since the public hearing which was held on January 16, 2009, the City of Alexandria has also expressed its interest. Judge Pendery made a motion to adopt R-08-09, seconded by Commissioner Otto. Commissioner Rechtin expressed his concern with oversight and governance of the program due to some of the projects undertaken in Newport. He stated that it is important to work with all of the cities in the county. He encouraged Judge Pendery to meet with the Dayton and Newport Housing Authorities, and particularly Mayors Peluso and Rankle who make appointments to the boards. He stated that housing problems throughout the county could be addressed by an agency greater than the existing one, and that oversight needs to be by a board greater than the one for the Newport Millenium Housing Corporation. Commissioner Otto agreed that there needs to be oversight on a county level to ensure that all 15 cities have the opportunity for action on any property that is under foreclosure. Judge Pendery stated that this is a step in the right direction, and some of these suggestions have been made. Commissioner Rechtin stated that he would be willing to help any way that he can. J. R. Roth expressed his displeasure with this program. As a person who has purchased property at the courthouse steps, he now has a new competitor other than private enterprise, public enterprise now wants to compete with his rehabbing of homes. He can not compete with a program that gives 50% of a mortgage free. He doesn't believe that the tax dollars that he paid to the federal government, funneled through the state to the county, should compete with him. Judge Pendery noted Mr. Roth's objection, however if there is \$4 million that could be spent improving the community, they are going to vote for it. Commissioner Rechtin stated that effectively the program will be competing against Mr. Roth on only 30-40 properties. He stated that Mr. Roth could contract banks directly regarding properties that may be available. All voted "AYE" and the motion passed unanimously.

Commissioner Rechtin reminded Mr. Seibert that they would like to look at the fiscal report as of the end of the first half of the fiscal year. Mr. Seibert is working on it now.

Commissioner Otto thanked Mr. Seibert for the information that he provided on the golf course.

Judge Pendery announced that the next Mayor's Meeting would be held on Tuesday, February 3, 2009 at 7:30 a.m. at the Wilder City Building.

Jim Seibert presented Resolution R-04-09 which was read by title and summary given. R-04-09 approves the fees for A. J. Jolly Golf Course for the year 2009. Mr. Seibert stated that the fee schedule is the same as last year. Commissioner Rechtin made a motion to adopt R-04-09, seconded by Judge Pendery. All voted "AYE" and the motion passed unanimously.

Mr. Seibert requested a motion to purchase two 2009 Ford Crown Victoria Police Interceptor vehicles from Countryside Motors, Lawrenceburg, Kentucky, at a cost of \$20,266 each for a total of \$40,532. Judge Pendery made the motion, seconded by Commissioner Rechtin. Robert Horine explained that staff budgeted for the replacement of six vehicles in the Police Department this year, three were replaced in the fall, and Chief Hill has determined that only two additional vehicles are needed. Tim Nolan asked why the local auto dealers don't compete for this business. Chief Hill explained that only Countryside has the state contract price. If he did not use the state contract, he would have to get bids locally, and the state contract price is usually lower. In addition, the local dealers don't usually have the police interceptor vehicles. Jim Seibert stated that about six months ago a car was purchased for the County, and he personally went to a dealer in Alexandria, and they were not interested because they could not beat the state contract price. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to approve the claims and supplemental claim as presented for January 21, 2009. County Attorney James Daley stated that he reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed unanimously.

There being no further business to come before the Fiscal Court, Commissioner Rechtin made a motion to adjourn, seconded by Commissioner Otto. All voted "AYE" and the meeting adjourned at 6:10 p.m.

Attachments:

Resolution R-03-09	Application for Ky. Recreational Trails Program Grant
Resolution R-05-09	Agreement for purchase of body armor and weapons
Resolution R-06-09	Payment of claim for Homebuyer Program
Resolution R-07-09	Agreement to design water line for A J Jolly Park
Resolution R-08-09	Endorse Neighborhood Stabilization Program Application
Resolution R-04-09	Set fees for A J Jolly Golf Course for 2009
Claims and Supplemental Claim of January 21, 2009	

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk