

CAMPBELL COUNTY FISCAL COURT MINUTES

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, February 19, 2003, at 5:30 p.m. at the Fiscal Court Conference Room, 24 W. 4th Street, Newport, Kentucky. In attendance at the meeting were:

**COUNTY JUDGE/EXECUTIVE
STEVE PENDERY**

**COUNTY COMMISSIONERS:
DAVID OTTO
WILLIAM VERST
KENNETH RECHTIN**

Robert Horine	County Administrator
Paul Twehues	Assistant County Attorney
Chief David Sandfoss	Campbell County Police Department
Reno Deaton	Director, Lakeside Terrace
Ken Knipper	Director of Emergency Management
Ron Schneider	Assistant Director of Emergency Management
Darlana Barnes	Housing Director
Melissa Williams	Director of Administration
Peter Klear	Planning & Zoning Director
Sandra Mulligan	Fiscal Court Clerk

The meeting was called to order at 5:30 p.m. by Judge Pendery. A moment of silence was called for by Judge Pendery, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Judge Pendery presented the minutes from the Fiscal Court meeting of February 5, 2003. It was moved by Commissioner Otto and seconded by Commissioner Verst that the minutes of February 5, 2003 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery next asked if there were any public officials or citizens in attendance at the meeting who desired to address the Court. There were none.

Judge Pendery then requested items of Old Business be brought before the Court. Ms. Williams stated that because advertising was inadvertently overlooked, there were three ordinances for the Court's consideration. She presented Ordinance O-22-02 for second reading and passage consideration, which was read by title and a summary given. She explained that this ordinance rezones 3.6 acres from Residential Three (R-3) to Rural Commercial and that the Planning & Zoning Commission recommended the zone change requested by Charles King. There being no further discussion, Commissioner Verst made a motion and Judge Pendery seconded, to approve Ordinance O-22-02. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Ordinance O-23-02 for second reading and passage consideration, which was read by title and a summary given. She explained that this ordinance adds the Extension of Sugarmill Drive, Rosebud Court and Wildflower Court to the Official List of County Maintained Roads, located in Sections 9 and 10 of Parkside Subdivision. She also stated that this Ordinance would repeal Ordinance O-08-02. Commissioner Verst questioned whether Ordinance O-08-02 should be repealed or amended. Assistant County Attorney Twehues advised that since this Ordinance O-08-02 would be re-adopted with the addition of the above-named roads, Ordinance O-23-02 should be an amendment of that Ordinance, rather than repealing it. Ms. Williams stated that the Ordinance would be revised to show this change. There being no further discussion, Commissioner Otto made a motion to approve Ordinance O-23-02 after revising it to clarify that it would amend Ordinance O-08-02, and Commissioner Rechtin seconded. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Ordinance O-01-03 for second reading and passage consideration, which was read by title and a summary given. She explained that this ordinance adopts a supplement to the County Code of Ordinances, codifying ordinances passed from January 2002 through June 2002. There being no further discussion, Commissioner Verst made a motion and Commissioner Rechtin seconded, to approve Ordinance O-01-03. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was a motion to proclaim the week of February 17-February 23 as Professional Surveyor Week in Campbell County. She noted that the proclamation was requested by Bryan Cox (who was present at the meeting) of Cardinal Engineering and that the Professional Surveyor Association was attempting to gain some publicity for their organization. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Resolution R-19-03, which she read by title and provided a summary to the Court for its consideration. She noted that this resolution authorizes the Judge/Executive to execute documents relating to the Eight County Emergency Shelter Grant, and stated that this grant had been available for the last several years. The County hopes to receive \$10,000 to assist homeless or needy individuals. There being no further discussion, Commissioner Verst made a motion and Commissioner Rechtin seconded, to approve Resolution R-19-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-20-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the Judge/Executive to execute Orders of Affiliation with the Campbell County Water Rescue Squad, Fire Department Bellevue Dayton Rescue Squad and the Central Campbell Fire Department Rescue Squad. She noted that OEM representatives approached all rescue squads in the County and the above squads voted to take part in these affiliation orders. She advised the Court that Ken Knipper and Ron Schneider from the Office of Emergency Management were present at the meeting to answer any questions. There being no further discussion,

Commissioner Rehtin made a motion and Commissioner Verst seconded, to approve Resolution R-20-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams then presented Resolution R-21-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution urges Congress to provide full funding for the Brent Spence Bridge replacement and that the Northern Kentucky Chamber of Commerce had requested local governments to adopt resolutions supporting the funding. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-21-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams then presented Resolution R-23-03, which she read by title and provided a summary to the Court for its consideration. She explained that this resolution authorizes the Judge/Executive to execute an agreement with Duncan Associates for \$15,942 for a study with Kenton County relating to sexually oriented businesses and the preparation of draft-licensing ordinances for use in regulating such businesses. She advised that County Administrator Robert Horine was present to answer any questions. Commissioner Rehtin requested Mr. Horine give a report on the response by other cities. Mr. Horine explained that of the 14 cities represented at the recent Mayors’ Meeting, indication of support had been received from all. Letters were then sent to all cities’ Mayors discussing the study and the regulations that could be adopted. No cities had indicated that they do not want to participate in the study; however, the City of Dayton had expressed some concerns that will be addressed at a future meeting. Assistant County Attorney Trehues indicated that he believed the study was a good idea since it is a controversial issue, but that with open records disclosure being available, if the study is not followed, it could lead to litigation by the opposition. Judge Pendery stated that this was a concern of the Fiscal Court also, noting that the scope of the study has strictly been limited to things that the Court believes are relevant. He noted that the County could do the licensing phase for all of the cities in order to make sure it is done consistently, and that the Fiscal Court will not allow the study to stray into where to site these businesses. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded, to approve Resolution R-23-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams stated staff recommended that Resolution R-26-03, which was on the Agenda for this meeting, be tabled until the next Fiscal Court meeting on March 6. Judge Pendery approved the tabling.

Ms. Williams next presented Resolution R-27-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the Judge/Executive to execute an agreement with the Kentucky Housing Corporation for Lakeside Terrace Apartments regarding Section 8 Housing Assistance Payment Contract renewal. She noted that Reno Deaton, Manager of Lakeside Terrace Apartments, was present at the meeting to answer any questions. Mr. Deaton advised that this contract is a 4-year agreement, but needed to be reapplied for every year in order to guarantee funding. Mr. Horine clarified that this also establishes new market rates for the units, and Mr. Deaton advised that the new rates would go into effect July 1, 2003. There being no further discussion, Commissioner Otto made a motion

and Commissioner Verst seconded, to approve Resolution R-27-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams then presented Resolution R-28-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the Judge/Executive to execute the Solid Waste Management Area Multi-County Region Designation Agreement. There being no further discussion, Commissioner Verst made a motion and Commissioner Rechtin seconded, to approve Resolution R-28-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams then presented Resolution R-29-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the Judge/Executive to execute an agreement with the Northern Kentucky Area Planning Association to update the Campbell County Comprehensive Plan to include the City of Woodlawn. She noted that the City of Woodlawn had become a member of the Campbell County Municipal Planning and Zoning Board and that the contract was for approximately \$3,800, which the City of Woodlawn would pay. She stated that Planning Director Peter Klear was present at the meeting to answer any questions. Judge Pendery asked whether the City of Woodlawn would have Board representation, to which Mr. Klear responded that they would not have a representative on either the Planning Commission or the Board of Adjustment. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-29-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams then presented Resolution R-30-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the County staff to negotiate an agreement with New Age Technologies regarding the purchase of a new telephone system, the amount of said contract not exceed \$6,400. She advised that Finance Director, Larry Sabo, was present at the meeting to answer any questions. Mr. Sabo explained that the County Clerk’s office has a very old phone system and spare parts are no longer available for the system; therefore that system needed to be replaced. He stated that the process to purchase a new system would be done in partnership with the Clerk’s office. Commissioner Otto noted that the new system would need to be transported to the new Fiscal Court building upon completion. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Verst seconded, to approve Resolution R-30-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams then presented Resolution R-31-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution approves a contribution from the Campbell County Department of Housing for space in the new County Administration Building. She noted that Darlena Barnes, Director of Housing, was present at the meeting to answer questions. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-31-03. All voted “AYE” and the motion passed unanimously.

Ms. Williams next requested consideration of the Court for a motion to endorse the action of the Northern Kentucky Water District Board approving the bid of Generation 2 Construction, Inc. to construct 1.7 miles of water line along Licking Pike and Steffen Road. She stated that the bid was for \$376,258.34 and that there are \$175,640 CDBG funds unobligated from the original grant project, and the new water line would serve an estimated 24 residential users, who would incur a surcharge of \$30 per month. The Northern Kentucky Water District will pay the remaining portion not paid with grant funds. Commissioner Rehtin made the motion, and Judge Pendery seconded, to endorse the action of the Northern Kentucky Water District Board as described above. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested consideration of the Court for a motion to acknowledge and accept the Consumer Price Index as calculated by the Department of Local Government to set the annual compensation for elected officials for calendar year 2003, retroactive to January 1, 2003. Assistant County Attorney Twehues commented that the salary of an elected official could not be changed during his or her term of office, and requested that the Court "adjust" the annual compensation, rather than "set" it. Mr. Sabo advised that one of the documents from the Department of Local Government refers to the compensation being retroactive to January 6, 2003, but that another document refers to January 1, 2003. Assistant County Attorney Twehues advised that the compensation would be retroactive to the date the officials took office, which would be January 6, 2003. Commissioner Rehtin made the motion, and Judge Pendery seconded, to acknowledge and accept the Consumer Price Index calculated by the Department of Local Government as described above. All voted "AYE" and the motion passed unanimously. Commissioner Verst questioned when the Department began using "census estimates" as opposed to the "official census," noting that the Judge/Executive's salary as of the "official census" for Campbell County was larger than Boone County, but that Boone County had surpassed Campbell County in the "census estimate." Judge Pendery responded that "census estimates" were used in between years of doing the "official census," which are conducted every 10 years. He stated that the Department extrapolated the figures, using the past census as a baseline. Commissioner Verst noted his concerns regarding future funding that may be based on census figures and asked that the Court delve into this issue further.

Ms. Williams next requested consideration of the Court for a motion to accept the retirement letter of Sergeant Andrew Hayes, effective February 28, 2003. She advised that Sergeant Hayes had been with the Police Department 20 years and would be invited to a future meeting where he will be recognized for his dedicated service. She also noted that the Merit Board was in the process of developing an eligibility list to fill Sergeant Hayes' position. Judge Pendery made the motion to accept the retirement letter of Sergeant Andrew Hayes, noting his regret, but with congratulations, and Commissioner Otto seconded. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested consideration of the Court for a motion to accept the resignation letter of Larry Sabo, Fiscal Department Director, effective February 28, 2003. Judge Pendery made the motion to accept the resignation of Larry Sabo, again noting his regret, but with congratulations, and Commissioner Rehtin seconded. All voted "AYE" and the motion passed unanimously. Judge Pendery, Commissioner Otto and Commissioner Verst gave special thanks

to Mr. Sabo for his years of service, professionalism and expertise that he brought to the position.

Ms. Williams next requested consideration of the Court for a motion to appoint James D. Seibert to the position of Director of Fiscal Department, effective February 24, 2003, with compensation set at Grade 17, \$65,972/yr. Judge Pendery made the motion, and Commissioner Rehtin seconded to appoint James D. Seibert to the position of Director of Fiscal Department. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine, County Administrator, thanked the Court for its indulgence in the addition of items to the Agenda for the meeting, explaining that a number of situations developed at the last minute that needed their attention at this meeting. He also thanked Mr. Sabo for his service to the Fiscal Court and noted that Mr. Sabo had completed all of the goals he had hoped to accomplish during his tenure, for which he deserved congratulations. A round of applause for Mr. Sabo ensued.

Judge Pendery then requested a report from the County Attorney. Assistant County Attorney Paul Twehues stated he had nothing to report.

Judge Pendery next requested reports from the Commissioners. Commissioner Otto asked if the County was able to locate any salt for its road crew, after it had used up its supply during the recent snows. Mr. Horine stated that the County took delivery of 2 truckloads of salt and was expecting an additional 2 truckloads. He noted that the distributor of salt had imposed a limit based on the County's usage on average over the past 10 years, but that after discussions with the distributor regarding the County's agreement that allowed it to receive up to 4,000 tons of salt over the course of this winter season, it was agreed that the distributor would honor that agreement provision.

Commissioner Verst thanked the Road Department for the fine job they did during the recent snowfalls, noting that the Department and Office of Emergency Management did everything possible to keep the citizens of Campbell County safe.

Commissioner Rehtin thanked Mr. Sabo for his helpfulness during his transition to Commissioner.

Judge Pendery reported that the next meeting of the Transportation Task Force would be on Tuesday, February 25, 2003 at 2:00 p.m. at the Wilder City Building. He also stated that Spay Day will be celebrated February 25, 2003 by the Campbell County Animal Shelter. All county vets will be participating by providing free spay and neutering services for a total of 8 cats and 6 dogs if they are adopted from the Campbell County Animal Shelter. Judge Pendery then thanked the Road Department and Office of Emergency Management for the efficient job they did on the snow removal, noting that this is a dangerous job.

Judge Pendery then requested a report from the Fiscal Director. Mr. Sabo presented Resolution R-22-03, which he read by title and provided a summary to the Court for its consideration, noting that a roll call vote would be required for passage. He stated that this resolution authorizes the

Judge/Executive to execute the Fiscal Year 2004 County Road Aid Cooperative Agreement with the Kentucky Transportation Cabinet. He stated that the County would receive approximately \$459,000 from the Transportation Cabinet, if the Agreement is executed. There being no further discussion, Judge Pendery made a motion and Commissioner Rechtin seconded, to approve Resolution R-22-03. A roll call vote was taken with Commissioner Otto voting yes, Commissioner Rechtin voting yes, Commissioner Verst voting yes and Judge/Executive Pendery voting yes, making a unanimous vote for the passage of Resolution R-22-03.

Mr. Sabo then presented Resolution R-24-03, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the Judge/Executive to renew the maintenance support agreement for the finance, purchase order printing, and business license and fees modules with ACS Solutions Software, at a cost of \$3,357. There being no further discussion, Commissioner Verst made a motion and Commissioner Rechtin seconded, to approve Resolution R-24-03. All voted "AYE" and the motion passed unanimously.

Mr. Sabo next presented Resolution R-25-03, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution requests the Kentucky Transportation Cabinet to reimburse the Court for transportation of non-public school students for Fiscal Year 2003 school year, in the amount of \$424,342.22. He explained that up until last year the County had been reimbursed 100% of its costs, but only received approximately 83% last year, which he expects will be the case for the current year. There being no further discussion, Commissioner Otto made a motion and Commissioner Verst seconded, to approve Resolution R-25-03. All voted "AYE" and the motion passed unanimously.

Mr. Sabo then requested consideration of the Court for a motion to declare surplus and allow Sergeant Andrew Hayes to purchase his service revolver. He stated that, in the current contract with the FOP, it is permissible for retiring officers to purchase their weapon, at 25% discount of the original purchase price, subject to the approval of the Fiscal Court. Judge Pendery made the motion, and Commissioner Rechtin seconded, to allow Sergeant Andrew Hayes to purchase his service revolver at a 25% discount of the original purchase price. All voted "AYE" and the motion passed unanimously.

Mr. Sabo next requested approval of the Claims being presented at this meeting. Assistant County Attorney Trehues advised that he had reviewed the claims and that they appeared to be appropriate. There being no further discussion, Commissioner Otto made a motion that the claims be approved and paid. Commissioner Rechtin seconded the motion. All voted "AYE" and the motion passed unanimously.

There being no further business to come before the meeting, it was moved by Commissioner Rechtin, seconded by Commissioner Verst, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 6:27 p.m.

Attachments:

Ordinance O-22-02: Rezoning of 3.6 acres requested by Charles King
Ordinance O-23-02: Updates Official List of County Maintained Roads
Ordinance O-01-03: Supplement to County Code of Ordinances

Resolution R-19-03: Eight County Emergency Shelter Grant
Resolution R-20-03: Orders of Affiliation with Rescue Squads
Resolution R-21-03: Funding for Brent Spence Bridge
Resolution R-22-03: County Road Aid Cooperative Agreement with Kentucky Transportation Cabinet
Resolution R-23-03: Duncan Associates Agreement
Resolution R-24-03: ACS Solutions Software Agreement
Resolution R-25-03: Reimbursement from Kentucky Transportation Cabinet for Transportation of Non-Public School Students
Resolution R-27-03: Section 8 Housing Agreement
Resolution R-28-03: Solid Waste Management Area Multi-County Region Designation Agreement
Resolution R-29-03: Update to Comprehensive Plan to include City of Woodlawn
Resolution R-30-03: New Age Technologies Agreement
Resolution R-31-03: Campbell County Department of Housing Contribution for Space in new Administration Building
Claims: February 19, 2003
February 19, 2003 (Supplemental)

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Sandra L. Mulligan
Fiscal Court Clerk