

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

July 1, 2009

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, July 1, 2009, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
James A. Daley	County Attorney
Paula Spicer	Fiscal Court Clerk
John Austin	Government Relations Manager
Chief Keith Hill	Campbell County Police Department
Lt. Barrett Champagne	Campbell County Police Department
William Turner	Director, Office of Emergency Management

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting.

Judge Pendery asked for a moment of silence, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes from the regular Fiscal Court Meeting held on April 15, 2009 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Pendery called on Don Sorrell, Campbell County Extension Service Agent, to inform the public about the Campbell County Backroads Farm Tour to be held on July 18, 2009. Mr. Sorrell explained that the idea for the tour originated with the Campbell County Farmland Work Group to encourage increased knowledge of agriculture and farming in Campbell County. There are 16 farms included on the self-guided tour featuring a wide variety of operations. Brochures containing a map, addresses and hours are available at various locations throughout the County. Mr. Sorrell gave the website where tour brochure/maps and more information could be obtained.

Judge Pendery stated that a similar event was held in Camp Springs, the “Stonehouse Tour”, last year which drew impressive crowds; some of those same farms are on this year’s tour.

Lieutenant Barrett Champagne, Campbell County Police Department, announced that they recently completed the 2009 Campbell County/Northern Kentucky University Public Safety Citizens Academy. During this 10-week program citizens learn what the police department does and about the various agencies that the Department works with. Participants learned about the jail, dispatch center, daily routines of police officers involving patrol, traffic stops, accident reconstruction, swat team, and heard speakers from the Commonwealth’s Attorney office, and the County Attorney’s office. Lt. Champagne introduced Detective Jim Black from Northern Kentucky University Public Safety, who assisted with the program. Lt. Champagne presented certificates and a shirt to those graduates who were present: Michelle Turner, Hiliary Butsch, Warren Daniel, Kat Pennington, Rick Pennington, Fred Feucht, Gus Solis, Teri Rankin, and Angel Rucker.

Jeff Eger, General Manager of Sanitation District No. 1 (SD1), announced that on June 30 the District delivered to the United States Environmental Protection Agency (USEPA) and the Kentucky Division of Water the implementation plan for the consent decree to help protect the public health and preserve the environment. The plan is to be implemented over the next 5 years and will address a lot of the sanitary sewer overflows that the region has experienced. The USEPA has 90 days to review and hopefully accept the plan. He believes that the plan is a unique approach to improving the water quality in Northern Kentucky and could save billions of dollars. Mr. Eger advised that today the District delivered to the Northern Kentucky counties and local governments, the transfer agreements which will move storm water infrastructure from the responsibility of local governments to SD1. Campbell County received a copy of the Interlocal Agreement entered into 6 years ago, a transfer agreement to be enacted by the local government and a map of the system showing what will be transferred to SD1. The maps also identify what belongs to the Kentucky Transportation Cabinet and what are private storm systems. Mr. Eger stated that SD1 will act as co-permittees with local governments to comply with USEPA Phase II storm water requirements. The Kentucky Division of Water will issue the second phase of the permit in the next 60 days, and he expects that the requirements will be more stringent. He stated that SD1’s capital budget has been approved and there are a number of projects that will be addressed. Mr. Eger explained that it is hard to separate the management of storm water and sanitary sewage, as often times it is storm water that causes the sanitary sewage overflow problems.

Commissioner Rehtin asked Mr. Eger to define the infrastructure that SD1 will be taking over. Mr. Eger responded that it is basically the piped infrastructure storm water system including head wall structures, inlet structures that maintain the volume level of ponds and creeks, and retention basins. SD1 will not be responsible for ditches, ponds, creeks, private systems and catch basin grates. He stated that SD1 will continue to share responsibility with local governments in the event of emergency situations, although local fire departments or public works departments can often respond quicker than SD1 crews. The District’s field department is meeting with local public works departments to identify where there are problem areas so that they can be put on a preventative maintenance or inspection plan. Culverts will continue to be maintained by the Highway Department because they are owned by that Department. Mr. Eger

stated that there are very clear maps of the entire storm system. He is unsure whether the maps are available on-line, but he will find out. Mr. Eger explained that the older river cities have combined systems that overflow now, and often times the overflow may be caused by storm water from communities that are up-stream. He stated that all local governments signed interlocal agreements 6 years ago and the agreements are in perpetuity which can only be broken under certain circumstances. Commissioner Hayden asked what kinds of problems arise from overflows. Mr. Eger explained that the most severe problems would be basement backups and toilet overflows in people's homes due to an overcapacity of water that can't escape through the treatment plant. In addition, overflow of manholes may cause erosion of infrastructure such as roads. Preventing the overflow of sanitary sewage is a big part of the consent decree. Commissioner Rechten asked how many cities did not participate in the interlocal agreements six years ago. Mr. Eger replied that every local government in the three counties were identified in the United States Federal Registry as having to comply with the Phase II regulations, and every local government signed interlocal agreements six years ago with the exception of Walton because they were not identified by the Federal Registry as having to comply, and the City of Florence opted out because they have an existing storm water program that is funded. Judge Pendery stated that the cities and counties would have spent far more money individually to comply with the sanitary and then the storm water regulations. A partnership with the Sanitation District is much less expensive. He praised the Sanitation District for the way in which they've addressed the new regulations and saved the region a lot of money. Mr. Eger cited the Cities of Lexington and Pittsburgh as examples of Cities that have failed to comply with the regulations and have been fined. He complimented the Fiscal Court on the talented people that they have appointed to serve on the Sanitation District No. 1 Board, and introduced David Noran an SD1 Board member in the audience. Commissioner Otto stated that one of the biggest problem areas in Campbell County for many years is Covert Run. He asked for an update on the Sanitation District's work on Covert Run. Mr. Eger replied that thanks to Representative Keene who secured additional funding for the project, they will be replacing and upsizing the sanitary sewer lines and upsizing the storm water lines within the next month or so. This will not totally eliminate problems during certain rain events, but during typical rain storms the problems should be eliminated.

J. R. Roth, citizen, asked if the private creeks, ditches or whatever will be available on maps. Mr. Eger responded that the entire storm system has been identified through maps, and that does include creeks, streams and drainage basins. Sometimes these are dry until it rains, but they are mapped. The maps are color-coded to show ownership; if the owner is unknown, it is shown as colorless on the map. In answer to another question by Mr. Roth, Mr. Eger explained that in 1993 SD1 had a treatment plant and major trunk lines; all of the collection system lines were owned by local governments at that time. Mr. Roth stated that the federal EPA is currently taking the word "navigable" out of its definition of water, which means that a puddle in his backyard will fall under EPA guidelines. Does this also mean that those puddles will fall under the control of SD1? Mr. Eger stated that SD1 would not take on the puddles in Mr. Roth's backyard because that would be a private system. He suggested that this or other scenarios put forth by Mr. Roth should be addressed to the EPA. Judge Pendery thanked Mr. Eger for coming to the meeting to update the Fiscal Court.

Judge Pendery asked if there was anyone in the audience who wished to address the Fiscal Court. Charlie Coleman asked if Judge Pendery was on the Board of Directors of the Northern Kentucky Health District. He stated that he thought that he heard an advertisement about banning smoking in public places that was paid for by the Northern Kentucky Health District, so he called the District and he was told that they did pay for the ad. He objects to his tax money being spent on that issue, and he wondered if there would be an ad from the opposite point of view. In his opinion, the Health District has crossed the line. Commissioner Rehtin agreed that they crossed the line. He stated that to advocate for the public health and education is a good idea, but to advocate for legislation is a different issue. Judge Pendery stated that he does not know the source of funds used to pay for the advertisement. He understands Mr. Coleman's point that he doesn't want any of his tax money, whether federal, state or local, to be used for this, and he will let that be known to the appropriate person(s). Commissioner Hayden agreed with Mr. Coleman and Commissioner Rehtin that use of tax money to advocate political issues is a concern.

There was no old business to address, so Melissa Williams presented new business beginning with Resolution R-90-09 which was read by title and summary given. R-90-09 authorizes the execution of an agreement with ComDoc, Inc. for the lease of copiers for general use in the Fiscal Court offices. The current lease for the copier has expired and Brett Ruschman has negotiated a new more favorable 60-month lease that will save the County approximately \$1,800.00 a year. Commissioner Rehtin made a motion to adopt R-90-09, seconded by Commissioner Otto. Commissioner Rehtin stated that KACo and KLC have used the reverse auction process for some things, and he wondered if the County would benefit from using a similar process. All voted "AYE" and the motion passed.

Resolution R-91-09 was read by title and summary given. R-91-09 authorizes the execution of an agreement with the Northern Kentucky Area Development District to provide professional services for the application and implementation of Energy Efficiency and Conservation Block Grant Funds. Commissioner Rehtin made a motion to adopt R-91-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-93-09 was read by title and summary given. R-93-09 authorizes the County Judge/Executive to execute a Memorandum of Understanding with the City of Newport concerning the disbursement of 2009 Litter Abatement Funds. The City of Newport will receive \$8,084.09 from the Litter Abatement Grant received by Campbell County from the Kentucky Division of Waste Management. Commissioner Otto made a motion to adopt R-93-09, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to reappoint Kathy Jones and Judy Ihrig to the Campbell County Extension District Board for a three year term effective July 1, 2009 through June 30, 2012. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Richard Nielson to the Central Campbell Fire District Board of Trustees to fill the unexpired term of James Schwalbach who has resigned, for a term effective July 1, 2009 through June 30, 2011. Motion was made by Judge Pendery, seconded by

Commissioner Otto. Commissioner Rechlin asked Judge Pendery if he has talked to Mr. Nielson. Commissioner Otto stated that he has known Mr. Nielson for a long time and that he talked to him. Mr. Nielson is comfortable with the appointment and the other board members are comfortable with him. All voted "AYE" and the motion passed.

Robert Horine reported that thanks to the efforts of John Austin, the application for the Energy Efficiency and Conservation Block Grant was submitted a day before the deadline. After the application was submitted, they received notice that the deadline had been extended to August 10, 2009.

Robert Horine then presented a report on the construction of the new Campbell County Administration Building and Health Clinic at the corner of 11th and Monmouth Streets, Newport. The building is a three-story, 52,000 square foot building designed to be a one-stop facility for all county services other than the courts. All courts will be consolidated in the expanded Campbell County Justice Center. Construction of the County Administration Building began in March 2008, and is expected to open to the public in October 2009. Mr. Horine named the various offices and the amount of space that they will occupy in the building. The estimated construction costs were \$11.5 million before the project was bid, however the bids came in low saving the County about \$1.5 million. The County issued bonds to pay for the construction and secured a 20-year loan at 4.097% interest rate. Mr. Horine was pleased to announce that the project is presently on budget and ahead of schedule. He described how the building is situated on the lot, the public parking and which offices are located on each of the three floors. Commissioner Otto pointed out that the elevation of the building site is higher than the current location of the Fiscal Court Offices and the views are great. He asked Mr. Horine to give the background on the design of the building. Mr. Horine explained that the building is located at the south end of the site is because the south end is wider than the north end of the site. The south side of the building has many windows and looks across the street to Trauth Dairy. The main entry is on the north of the building and people will recognize that when they enter the parking lot. Mr. Horine stated that the staircases on the east and west sides of the building will be enclosed in glass and lit at night. Judge Pendery pointed out that the orientation of the new County building will eventually relate to the Newport City Building to create a kind of government square.

Judge Pendery announced that the Highway Department has awarded the contract for the second phase of the US 27 project. The highway will be paved in asphalt, not concrete. He explained that the State recognizes that the useful life of concrete pavement is greater than asphalt and uses some equation in their bid process allowing comparison of asphalt and concrete maintenance, repairs and costs. Apparently, taking that into account, the asphalt was still a lower price.

Robert Horine explained that Jim Seibert, Fiscal Director, was not at the meeting, so he would present items on his behalf. A motion was requested to purchase a 2009 GMC dump truck with snow removal equipment in the amount of \$79,000.00 for the Road Department. This purchase, using the State Contract price, is recommended by Ken Schultz, Road Department Director. This truck will replace a 1993 model with heavy salt damage, and is the same make and model as other trucks in the Road Department's fleet. Motion was made by Commissioner Rechlin, seconded by Commissioner Otto. Commissioner Otto stated that he had some concerns about

the warranty and availability of parts for the new truck, and safety issues with the old truck, but his concerns were addressed. Despite the County's tight budget, he believes that the truck is needed. Commissioner Hayden stated that he too expressed concerns about this purchase due to the tough economy and declining revenues. He asked if the purchase could be put off for at least year, and was told that the Road Department is delaying the purchase of several pieces of equipment. He also saw photographs of the old truck which showed its deteriorated condition. Since the Road Department has put this new truck at the top of their priority list, and due to safety issues with the old truck, he supports this purchase. All voted "AYE" and the motion passed. Mr. Horine stated that staff will look at capital purchases very critically before bringing them to the Fiscal Court.

Resolution R-92-09 was read by title and summary given. R-92-09 authorizes the preapproval of Senior Picnic related bills not to exceed \$5,000.00. This is an annual request to cover incidental expenses in preparation for the Senior Picnic to be held in September. Commissioner Rehtin made a motion to adopt R-92-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to declare 84 Shouptronic 1242 voting machines as surplus property, and authorizing staff to advertise them for sale or otherwise dispose of them. Mr. Horine advised that the County has taken delivery of the new e-scan voting machines which were mandated and funded by the Federal Government. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Mr. Horine then requested a motion to approve the claims as presented for July 1, 2009. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rehtin made a motion to adjourn, seconded by Commissioner Otto. All voted "AYE" and the meeting adjourned at 8:25 p.m.

Attachments:

Resolution R-90-09	Agreement for Copier Lease
Resolution R-91-09	Agreement with Northern Kentucky Area Development District
Resolution R-93-09	Memorandum of Understanding with City of Newport
Resolution R-92-09	Preapproval of Expenses Related to Senior Picnic
Claims of July 1, 2009	

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk