

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

JUNE 29, 2016

A special meeting of the Campbell County Fiscal Court was held on Wednesday, June 29, 2016, at 9:30 a.m. at the Campbell County Administration Building, Third Floor Conference Room 309, 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Steve Franzen	County Attorney
Paula Spicer	Fiscal Court Clerk
Kim Serra	Assistant County Administrator
Marie Schenkel	Finance Director

The meeting was called to order at 9:30 a.m. by Judge Pendery.

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

Judge Pendery advised that the Fiscal Court usually has a special meeting at the end of the fiscal year to handle financial matters before moving into a new budget year.

Paula Spicer presented new business beginning with Resolution R-65-16 by title and summary. R-65-16 approves a Municipal Aid Co-op Program Contract in the amount of \$71,418.75 with the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2016 as provided in the Kentucky Revised Statutes and accepting all of the roads referred to therein as being urban roads which are a part of the Unincorporated Urban Place. Commissioner Painter made a motion to adopt R-65-16, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to reappoint Chuck Heilman to the Sanitation District No. 1 Board for a four-year term effective July 15, 2016 through July 14, 2020. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioner Coleman asked what the urgency is to make this reappointment. According to the letter, Mr. Heilman will continue to serve until he is reappointed or replaced. Judge Pendery stated that Mr. Heilman's term is due to expire and asked if there is some reason not to reappoint him at this meeting. In response to a question as to how somebody can serve on the Sanitation District No. 1 (SD1) Board, Judge Pendery stated that he nominates a person to the Board with the consent of the Fiscal Court. He further stated that Chuck Heilman is still the most qualified person to serve on the SD1 Board and he has nominated him. Judge Pendery stated that he does not know if Mr. Heilman is a customer of SD1. Anna Zinkhon stated that Mr. Heilman has a septic system and is probably exempt from the storm water fee where he lives in Camp Springs. She thinks that Mr.

Heilman's ability to serve is compromised after he misrepresented the (Camp Springs) community at a January 2013 SD1 Board meeting when he told the Board that there were no issues with the community against the pipeline which is not true. Ms. Zinkhon stated that Boone and Kenton Counties have changed their representation on the Board over the last three years, but Campbell is keeping the status quo. She stated that Robert doesn't have a stake in the community and Chuck has been there through all the problems and there has been no change in SD1 as a result of Campbell County's influence. Lissy Plattner suggested that in the future Judge Pendery consider diversity when making appointments to boards especially concerning young people. Judge Pendery explained how he decides who to appoint to the various boards. He stated that Mr. Heilman has served on the Campbell County and Municipal Planning and Zoning Commission and he knows that Mr. Heilman has been involved in the community life in Campbell County for many years and he personally knows his commitment to the community and his quality as a person. He stated that Mr. Heilman runs his own business at his house and has background with the kinds of things that you might run into with engineering projects. Ms. Zinkhon stated that she worked with Mr. Heilman when he was on the Planning and Zoning Commission to create the Camp Springs Initiative to target the Comprehensive Plan and to protect Camp Springs. She stated that she talked to him when she learned about the sewer in 2010 because the master Plan was not being followed by SD1; Mr. Heilman was at that time a member of the SD1 Board. Ms. Zinkhon stated that Mr. Heilman moved his business to Camp Springs knowing all of the planning and zoning laws and did not go through any zoning changes and he is operating a manufacturing business in a rural residential area in violation of the law. Judge Pendery stated that that is a separate matter under consideration by the Planning and Zoning Commission. When making appointments he looks for people that have the best judgment for the work and Mr. Heilman has served very capably. He stated that his interest with appointments at SD1 has to do with the future of Campbell County and Northern Kentucky. He believes that they need people who understand what they are getting into before they were put on the board. With that in mind, he appointed Mr. Horine to the Board because for 13 years Mr. Horine handled all of the complaints from the people of Campbell County and knew what the problems are with sanitation in Northern Kentucky and Campbell County. He stated the Mr. Heilman was vetted by serving on other boards and has the expertise and temperament to see what the future requires. At this time it requires rate increases because of the consent decree which mandated a pipeline in the valley that was supposed to be completed by December 2015 and has not yet started. Judge Pendery stated that many or all of those present are opposed to the pipeline but it is going to happen because it has been ordained by a federal judge and has the force of federal law. He appreciates the perspectives on Mr. Heilman. Judge Pendery stated that he has put forth Mr. Heilman's reappointment and there is a motion and second; he would be happy to address questions after the meeting. Dan Hull stated that he would like to see the federal order that says the pipeline must go up the valley – it doesn't exist. He suggested that the Fiscal Court advertise board vacancies and let people nominate themselves. An attendee asked if anything was said to Cold Springs or Highland Heights where businesses want to expand; the pipeline could be put through there and SD1 would make money, this way there is no return and wonderful farmland is being ruined. Judge Pendery stated that SD1 spent tens of thousands of dollars investigating a variety of alternate routes. The alternate routes cost more money and another pump station would be required in order to pick up businesses in Cold Spring or Highland Heights. Additionally, it is not ideal practice to put the pipeline under the road due to having to reconstruct the road. Judge Pendery stated that the pipeline issue is not something that can be solved at this meeting or by him. He stated that people who are opposed to the pipeline have had ample opportunity to go to SD1 to get answers. He has gone to almost all of the SD1 meetings to get answers for people and educate himself. Commissioner Coleman stated that he talked to Kim Serra about an ongoing investigation involving Mr. Heilman. Ms. Serra stated that there is an investigation of the Planning and Zoning Commission. Commissioner Coleman stated that Judge Pendery questioned the character of a board appointee that he recommended, now he is questioning the character of Judge Pendery's recommended appointee. Commissioner Coleman stated that Mr. Heilman doesn't deserve to be on the Board and that there is no urgency to his appointment. Ms. Zinkhon questioned the honesty of making this appointment at a special meeting with little notice. A Newport resident questioned

appointing a person to the SD1 Board who makes decisions on rates when he does not pay SD1 fees. An Alexandria resident stated that she feels the same and that they have a right to question this appointment. Steve Stapleton stated that he is a member of the Planning and Zoning Commission, he knows Mr. Heilman and thinks that he is a good guy and truly cares about Campbell County. He doesn't think that it's fair to use Mr. Heilman's issue before the Planning and Zoning Commission against him concerning his reappointment to the SD1 Board. Mr. Stapleton explained how he learned that there was an opening on the Planning and Zoning Commission and volunteered to be on the Commission. He stated that people serve on boards because they want to serve their community. He believes that Mr. Heilman's business is a separate issue that will be dealt with and it will not influence his decisions on the SD1 Board. Ms. Zinkhon stated that this is not a personal attack on Mr. Heilman, but there are rules that everybody has to follow and he was aware of them. Commissioner Coleman suggested that they wait until the planning and zoning matter is adjudicated and then make a decision on the appointment to the SD1 Board. Commissioner Painter stated that they're using the zoning matter against Mr. Heilman to be vindictive about the pipeline going through their property. Ms. Zinkhon explained the history of Mr. Heilman's, as an SD1 Board member, involvement with the location of the pipeline. Judge Pendery pointed out that not any one thing that was said had an impact on the pipeline. There were many opinions expressed at all meetings and you can't pick one comment, take it out of context and then suggest that it is all one person's idea. It has been going on for years, been investigated and \$2 million spent on engineering studies. Lissy Plattner pointed out that Camp Springs is on the national register of historic places and protected by the US Department of the Interior. She stated that they need to think about the disastrous incursion on a tiny community. Commissioner Painter stated that the pipeline runs within 500 feet of his house. He has suggested alternate routes in the past to avoid this historic area. He stated that all alternatives have been looked at and no matter which is chosen it has to address the Ash Street combined sewer overflow problem. Commissioner Painter stated that he experienced living near a leaking pipeline for 20 years which has since been fixed with a new pipeline running to the new treatment plant. He stated that this is a community and part of the responsibility of being in a community is accepting what is best for the community. Camp Springs can't exclude itself from the community. He hasn't had any detrimental effects to his property from having the sewer line running nearby. He stated that it would be nice if there were funds to use an alternate route and pick up US 27 and AA Highway because it would help the community grow. An attendee stated that they get no service from SD1. Judge Pendery stated that everybody in the valley would have the opportunity to tap in. Ms. Zinkhon stated that a lot of what has been said and what a lot of people believe is not true. She stated that complaints were made to SD1 about problems with a sewer overflowing in the creek in Four Mile from the Alexandria pump station for many years. She then talked about a meeting in August, 2010 with SD1 and how they never followed up with the Camp Springs residents. Steve Franzen stated that this is a special meeting and it is very clear what they are allowed to talk about – the appointment of Chuck Heilman. However, the discussion for the last 20 minutes has been about whether or not the pipeline is appropriate. That subject is not on the agenda, it's not an appropriate subject for the special meeting. They need to adhere to the agenda otherwise they are in violation of the law. An attendee stated that the EPA ordered a cleanup of the combined sewer overflow, it did not order it to be put into the consent decree; there are other solutions to the rain water situation. It is not urgent that Chuck Heilman be reappointed today. Judge Pendery called for a vote. Commissioners Painter and Lampe and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed. Judge Pendery stated that he is available to talk with anybody about this. This project has been discussed for six years and they are now at the end. This is a last ditch attempt to stop the pipeline and for that reason they are willing to impugn the integrity of a person that he thinks is a wonderful person and good public servant. He appreciates everybody attending and offering their opinions on the subject.

A motion was requested to reappoint Bernerd Henke to the Southern Campbell County Fire District Board of Trustees for a three-year term effective July 1, 2016 through June 30, 2019. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Marie Schenkel requested a motion to approve budget transfers to close out the fiscal year 2016. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to approve the Claims and Claims Paid Per the Standing Order for June 29, 2016. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear to be appropriate. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. Commissioner Coleman asked about the bills for storm water. Mr. Franzen replied that the bills were not for A J Jolly Park, but for the jail on Columbia Street. Commissioner Coleman then asked about a \$20 bill payable to the Bobwhite Club for application for a membership – why are the taxpayers paying for this. Ms. Schenkel stated that the check is from the Jail Association Dues account. She is not sure what the payment is for but will look into it. Mr. Franzen recommended that they withhold approval for payment to the Bobwhite Club until they determine the reason for the payment. He then stated that Kim Serra pointed out to him that some of the Sanitation District bills are for storm water in the southern part of the County. Commissioner Coleman stated that he would be opposed to paying those bills. Commissioner Painter amended his motion to hold the payment from the Jail Association Dues account to the Bobwhite Club until the next meeting, seconded by Commissioner Lampe. All voted "AYE" and the motion passed. Commissioner Painter made a motion to pay the claims as amended, seconded by Judge Pendery. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Painter made a motion to adjourn, seconded by Judge Pendery. All voted "AYE" and the meeting adjourned at 10:25 a.m.

Attachments:

Resolution R-65-16	Contract for Municipal Road Aid
Claims	June 29, 2016

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk