

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

November 17, 2004

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 17, 2004, 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
KENNETH RECHTIN
WILLIAM VERST

Justin Verst	County Attorney
Keith Hill	Chief, Campbell County Police Department
Ken Knipper	Director, Office of Emergency Management
Darlana Brown	Director of Housing
Pat Dressman	Director of Human Services
Melissa Williams	Director of Administration
Josh Wice	Administration Analyst
Sandra Mulligan	Fiscal Court Clerk
Sarah Collins	Senior Housing Specialist
Lori Goetz	Administration Intern

Judge Pendery called the meeting to order at 5:30 p.m. A moment of silence was called for, 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 November 3, 2004. It was moved by Commissioner Otto and seconded by Commissioner Rechtin that the minutes of the Fiscal Court meeting of November 3, 2004 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery then asked if there were any citizens or public officials present who wished to address the Court. There were none.

Judge Pendery next introduced Dr. Ed Muntel, President, and Mr. Dennis Walsh, Vice President of Outpatient Services of North Key Community Care, Inc., who were present to give an update on the activities of North Key. Dr. Muntel thanked the Court for allowing him and Mr. Walsh to attend the meeting and give a periodic report on North Key's delivery of service in Campbell County. He stated that North Key has recently been notified by the Federal government and by

the State that North Key is to be the recipient of a \$9.5 million grant that will be funded over the course of a 6-year period. The primary focus of this grant is the delivery of intensive service to some specific schools. There will be a major needs assessment process before the schools will be identified. This will entail the delivery of very intensive prevention services with thoughts of education, specialized groups for children who are having particular problems dealing with things such as anger management and self-esteem issues, and wrap-around services for those very seriously disturbed children who need lots of additional care. Dr. Muntel stated that Ms. Dressman was initially concerned about this grant, since initially it had been North Key's understanding that the grant was only going to be available for rural counties. North Key has learned that the grant is available to all of the school systems in our northern eight counties for them to at least look at to see if they are interested in participating. There will be a meeting held in January for school superintendents, at which time the entire program will be laid out for them and they will be told what kinds of in-kind expectations there will be from the school systems. He also noted that North Key just underwent its monitoring visit from Ms. Dressman and Kirk Cavanaugh from Boone County regarding their allocation of tax funds, and passed the monitoring visit. He stated that North Key has over \$300,000 worth of uncompensated care that is delivered in Campbell County alone.

Dr. Muntel then introduced Mr. Dennis Walsh, to report on the specifics of the services provided. Mr. Walsh distributed a handout that detailed the total services to Campbell County citizens from the last fiscal year, and the first quarter of the current fiscal year. He pointed out that North Key mostly provides impact and therapeutic child support services and case management services for severely emotionally disturbed children. Other services provided include community support for mentally retarded/developmentally disabled adults, adult foster care, and therapeutic rehabilitation for adult individuals who have a serious mental illness, which is a 5-day per week program where these adults are able to stabilize, socialize, and learn better skills in accessing the community. He also noted that there was 22,560 hours spent on intensive inpatient services. This represents 940 patient days for Campbell County youth who have been in the acute psychiatric hospital. Generally, the length of stay at this hospital is approximately two weeks. There were also initial assessments done for 708 Campbell County folks in fiscal year 2004. Mr. Walsh stated that access to services is always a big question when providing community mental health services. North Key measures this almost every day, and as of last week, the next available appointment in Campbell County was the next day. North Key's goal is to get people who are non-emergency in for a visit within two weeks of their call. Another access issue is how quickly someone can get in to see a psychiatrist or a prescriber. North Key's first stop is generally not a psychiatrist, because it is a scarce and expensive resource, but rather they have implemented a crisis stabilization program where they have capability of responding to an emergency circumstance in the community 24-hours per day, 7-days per week. If it is a true emergency, North Key has people on-call who are able to go out and meet with people within a couple of hours. As part of that, North Key has instituted a crisis medication clinic, which devotes some psychiatric time to people who are at very high need of seeing a psychiatrist very soon. Mr. Walsh also mentioned that North Key is providing more services than it has in the past to folks who are in jail. Part of our population has a much higher than ordinary incidence of folks who have mental illness and are in jail. If they don't get treatment before they are let out of jail and return to the community, there is a high likelihood that they will go back to jail someday for some offense that may have been able to be avoided had the person been able to get mental

health treatment. He noted that thanks to the passage by the legislature in the past year, there is a jail triage availability, so that any of the jails in the State can take advantage of this telephone triage program that is centered in Lexington, Kentucky. If there is an inmate who is at-risk, suicidal, or showing signs of psychosis, the jailers can call the jail triage and walk through a formatted interview and determine what level of security and care that person needs in the jail. Campbell County is eligible for this program, at no cost, since the program is being funded through court cost charges. The phone call and first visit by a medical health provider is provided at no cost to the jail.

Commissioner Rehtin noted that, according to Mr. Walsh's handout, there was a 10% increase in visits, but a 24% in units of service. He asked why there was such an increase. Mr. Walsh stated that when there is an increase of that size, it is often due to group therapy services, where one visit would generally mean 1-1/2 hours of service per person in the group, and group visits have been increasing. There are two intensive outpatient groups in Campbell County, one for substance dependent women, and one for adolescent substance abuse. Generally, these groups are going to account for a high number of services per visit.

Commissioner Otto asked Mr. Walsh to elaborate on the jail service that is being offered. Mr. Walsh stated that there currently is no presence of this program in the Campbell County Jail, but the Campbell County Jail could take advantage of the new jail triage system, handled out of Lexington. The Lexington group would advise the jailer and his staff, and the follow-up (face to face) visit would take place through North Key the next day, or if it is a high priority, the follow-up visit would take place within 3 hours. The jail triage system would cover mental health and substance abuse issues. Commissioner Otto asked how the court costs are increased for this service. Mr. Walsh stated that a \$5 additional fee is added to the person's court costs. Commissioner Otto then asked if the inmate's medication that is prescribed by North Key is paid for by North Key, or if the jails pay for it. Mr. Walsh stated the medication has been paid for by both; there have been times when North Key has had sample medication that it can provide at no cost. Commissioner Otto asked Mr. Walsh if he would be interested with meeting with the Campbell County Jailer to discuss this program. Mr. Walsh stated that he would.

Dr. Muntel stated that for the ongoing treatment of inmates at the jail, North Key would negotiate a contract with the jailer. The phone triage process covers the initial assessment that allows further diagnosis.

Commissioner Rehtin then asked how the number was arrived at for the \$300,000 in uncompensated care in Campbell County and how that number compares to year versus year. Mr. Walsh stated that for the past fiscal year, there was \$216,600 in outpatient care and \$94,120 in inpatient care that was uncompensated. Dr. Muntel stated that for the inpatient care, there were circumstances where the individual was admitted and had neither a Medicaid card or had no health insurance. For the outpatient care, there is an identification of State dollars that have been expended throughout the eight counties, and then identifying what the total amount of uncompensated care beyond the State expenditure dollars is. Ms. Dressman noted that Campbell County funds North Key approximately \$170,000 per year, which is over and above grant funds.

Judge Pendery thanked Dr. Muntel and Mr. Walsh for their presentation.

Judge Pendery next requested items of Old Business be brought before the Court. Ms. Williams presented Ordinance O-23-04 for second reading and passage consideration. She explained that this Ordinance adopts a revised flood damage prevention ordinance, and repeals ordinance O-16-93 and any related Ordinances that may be in conflict. She noted that the Kentucky EPA Cabinet had advised the County that its present Ordinance needed to be updated to reflect the new Flood Insurance Rate Maps of FEMA. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechtin seconded, to approve Ordinance O-23-04. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams stated that the first order of New Business is a request for a motion to proclaim November 20, 2004 as "America Recycles Day in Campbell County" and urge Campbell County citizens to reduce, reuse and recycle in their daily lives. She noted that Reno Deaton, Solid Waste Manager, requested the Proclamation, which is a part of the County's computer recycling program that will take place on Saturday, November 20, 2004. There being no further discussion, Commissioner Rechtin made a motion and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to proclaim November 20, 2004 as Worthy Grand Matron Phyllis Helmkamp and Worthy Grand Patron Jerry Smith Day in Campbell County. Pamela Sears, a resident of Highland Heights, who is the current District #3 Deputy Grand Matron for the Eastern Star Organization, requested the Proclamation and will present same at a program on November 20. There being no further discussion, Commissioner Verst made a motion and Commissioner Rechtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Ordinance O-25-04 for first reading. She explained that this Ordinance rezones a 4.3 acre site from Agricultural One with an Industrial Mining Overlay Zone to Highway Commercial with an Industrial Mining Overlay Zone at the request of Cartec Engineering, per Mr. E.J. Foltz. The Campbell County & Municipal Planning and Zoning Commission is recommending the Fiscal Court approve the zone change request. She noted that no action was necessary on the Ordinance at this meeting, and that it would be acted on at the next Fiscal Court meeting.

Ms. Williams next presented Ordinance O-27-04 for first reading. She explained that this Ordinance amends Chapter 90 of the Campbell County Code of Ordinances regarding animals to include a section on dangerous animals. She stated that Lisa Bowman, Director of the Animal Shelter, has requested the Ordinance. She advised that Josh Wice, Administration Analyst, who has worked extensively on this Ordinance, was present to answer any questions, as was Lori Goetz, Administration Intern. Mr. Wice stated that the Ordinance was drafted with assistance from a herpetologist at NKU. She noted that no action was necessary on the Ordinance at this meeting, and that it would be acted on at the next Fiscal Court meeting.

Ms. Williams then presented Resolution R-126-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Fiscal

Year 2005 Aging Tax allocation for Homemaking and Personal Care Services that was awarded to Comfort Keepers be reallocated to Lifeline, Inc. Comfort Keepers is not able to fulfill the contract. The Resolution recommends the contract with Comfort Keepers be voided and that Lifeline, Inc. be awarded \$3,764 to provide Homemaking and Personal Care Services. Pat Dressman, Director of Human Services, is recommending this Resolution. Judge Pendery inquired as to how Comfort Keepers came to this realization. Ms. Dressman stated that Comfort Keepers realized that they could not get staffing to do the program. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-126-04. All voted "AYE," and the motion passed unanimously.

Ms. Williams next presented Resolution R-127-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution amends the Fiscal Year 2005 Aging Tax contract of Lifeline, Inc. to add \$3,764 in additional funding to provide Homemaking and Personal Care Services. There being no further discussion, Judge Pendery made a motion and Commissioner Verst seconded, to approve Resolution R-127-04. All voted "AYE," and the motion passed unanimously.

Ms. Williams then presented Resolution R-128-04, 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 a contract with the City of Melbourne for snow and ice maintenance during 2004-2005 on Reinert Drive, and at the railroad crossings at Anderson Lane, Melbourne Avenue and Lincoln Avenue. Ken Schultz, Road Supervisor, is recommending the rates on this contract increase by \$10 to cover the increased costs in labor, fuel and salt, thereby making the rates \$70 per trip on Reinert Drive, and \$35 per trip for the railroad crossings. There being no further discussion, Commissioner Verst made a motion and Judge Pendery seconded, to approve Resolution R-128-04. All voted "AYE," and the motion passed unanimously.

Ms. Williams next requested that the next item on the Agenda, Resolution R-129-04, be tabled until further notice. Judge Pendery approved the request.

Ms. Williams then presented Resolution R-132-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution amends the Operating Budget of the Campbell County Housing Department to increase the amount of the Housing assistance payments that help to pay the rent for eligible families in the Housing program. She noted that Darlena Brown, Director of Housing, was present to answer any questions. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve Resolution R-132-04. All voted "AYE," and the motion passed unanimously.

Ms. Williams next presented Resolution R-133-04, 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 Master Agreements with the Kentucky Department of Homeland Security to accept award grant funds in the amount of \$6,317 for Citizen Corps and \$1,667 for additional Community Emergency Response Team Training and Equipment. Ken Knipper, Office of Emergency Management Director, is recommending approval of this Resolution. Commissioner Otto inquired as to the make-up of Citizens Corps. Mr. Knipper stated that the Citizens Corps was similar to a neighborhood watch group, and involves the volunteer police

service, senior corps and citizens emergency response team. There being no further discussion, Commissioner Otto made a motion and Commissioner Verst seconded, to approve Resolution R-133-04. All voted "AYE," and the motion passed unanimously.

Ms. Williams then requested a motion to accept the resignation of Darlena Brown, Director of Housing, effective November 26, 2004. Ms. Brown has accepted a position with the Lexington Housing Authority. There being no further discussion, Judge Pendery, with regret, but also congratulations, made a motion and Commissioner Rechtin seconded, to approve the motion. Judge Pendery thanked Ms. Brown for the outstanding work she has done for the County, which no doubt made her sought after by the third largest housing authority in the State. Ms. Brown thanked Judge Pendery for his kind comments and stated she is looking forward to the new challenge in her life. All voted "AYE," and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Sarah Collins as the Interim Director of the Campbell County Housing Department, due to the resignation of Darlena Brown, effective November 22, 2004, with compensation set at Grade 15A, \$45,333 annually. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE," and the motion passed unanimously. Judge Pendery thanked Ms. Collins for stepping up to help out in this regard, and noted that the Fiscal Court was available to assist her in any way it can. Ms. Collins thanked the Court for the opportunity to fill in as Interim Director and stated she was looking forward to the task.

Judge Pendery next requested reports from Staff. Mr. Horine presented Resolution R-131-04, 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 execute a change order with Whalen Construction to cover up to \$23,000 in sewer tap-in-fees for the Restricted Custody Center. This amount was not included when the original contract was negotiated and signed. There being no further discussion, Commissioner Otto made a motion and Commissioner Verst seconded, to approve Resolution R-131-04. All voted "AYE," and the motion passed unanimously.

Judge Pendery then requested a report from the County Attorney. Mr. Verst stated that he had been in touch with the law firm representing KACo on a recent lawsuit, and had received a letter from them confirming that everyone individually was covered.

Judge Pendery next requested reports from the Commissioners. Commissioner Otto stated that there has been a dramatic increase each month in the medical and pharmaceutical bills for inmates at the jail. He pointed out that for outside services for the previous two-week period there were expenses of \$47,423, which does not cover the amount paid to the jail physician or other pharmaceutical bills. One bill was for \$18,710, which was a 30% discount off the original price that St. Luke charges the County. The inmate that these charges refer to has been in the jail for less than a month, has not gone to trial yet, which could take 6-8 months, and will continue to incur medical costs. County Attorney Verst asked what this inmate was in jail for. Commissioner Otto replied that the inmate was in jail for a sex offense. Commissioner Otto believes these expenses are going to eventually bankrupt Campbell County and he feels the County should sue the State. He noted that the amount the County paid last year was \$155,000, which could go up to \$500,000 if the amounts being paid out continue like they did for this

period. He does not believe that the legislators recognize the fact that these funds are Campbell County taxpayer dollars that are being spent to provide medical services for DUI's, thieves, rapists, murderers, and child sex offenders. He noted that in the last claim period, there were charges the County paid for chemotherapy treatment for an inmate, and questioned how many citizens there might be in Campbell County who cannot afford this service. The funds to pay these medical expenses comes from the general fund of the County, and because of these huge expenses, may cause funds to be taken away from Human Services, police services, disaster and emergency services, senior services, health and recreation services. He stated that this is a joke and it must be stopped. He pointed out that when an inmate is in our jail before they are sentenced, the County has to pick up 100% of the tab for that inmate. If an inmate has been sentenced to two years, the Judge will give them 100 days credit for the time spent in our jail, but the County still has to pay for that inmate's time in our jail. If the Judges are giving inmates credit for 100 days, the County should get credit from the State for those days in jail. The County has not had an increase in the per diem on the day costs, which is \$26.81 since 1986, and in 2002 the State dropped the amount by \$2.00. He stated that all the citizens of Campbell County should start writing their legislators, Senator Katie Stine, Rep. Jack Westwood and Rep. Jon David Reinhardt, and ask why the citizens should have to pay for these extravagant medical bills of the inmates. Judge Penderly stated that the State also saves itself money by revoking the medical cards of the inmates, which shifts the costs to the local governments. Commissioner Otto stated he believes the bottom line is that the legislators are burying their heads in the sand and telling the citizens that they're going to have to pay these medical costs.

Commissioner Verst stated that he believes part of the problem is with whoever establishes the "rights and privileges" that people who are lawbreakers and offenders are entitled to versus what regular citizens are entitled to. People who are in the jails are legally entitled to a lot more than what law abiding citizens are who are out doing their jobs and paying their taxes and providing for their families. He questioned who the people were who determine the legalities of what the inmates are entitled to versus what the general population is entitled to.

Commissioner Rehtin stated he believes the education of the legislators across the board on this issue is woefully inadequate. He does not believe that they fully understand the impact on counties of this issue. He suggested that at the next Joint Fiscal Courts meeting, it would be helpful to solely discuss this issue, noting that the legislators need to be made aware of the issue and a comparison needs to be made on the amounts being spent of county tax dollars on these costs versus those dollars being spent on economic development, recreation, police or emergency operations.

Commissioner Otto stated that he has suggested that copies of all the medical bills for the jail be sent to each of the legislators to show them that these costs are getting ridiculous, and this is money coming out of the county's general budget that is being taken away from things the county could be providing its law abiding citizens.

Commissioner Rehtin inquired as to whether Kenton County had reacted to setting up the Joint Fiscal Courts meeting and beginning the education process on this issue. Mr. Horine stated that he was awaiting word from Judge Drees on getting this set up, but that Judge Drees had directed his staff to make sure this meeting gets held before the end of the year. Commissioner Rehtin

stated that the sooner the meeting is held, the better, because any sort of legislation will take time to formulate. He also noted that the whole system is flawed, and it is incumbent upon each of the counties to take care of this. The system is unmanageable and inefficient in the delivery of services. He stated that compounding this issue is the recent article about the overcrowding of our jails, the three strikes and out, and shoving people into jail who don't belong there.

Judge Pendery stated the State needed to provide if they are going to create this kind of a burden. There has been a 600% increase in jail population since 1970.

Judge Pendery then recognized newly appointed Interim Director of Housing, Sarah Collins, and asked her if she would like to introduce her support organization with her at the meeting tonight. Ms. Collins introduced her husband, Lee Wanner, who she said knew most everyone at the meeting and attends the Senior Picnic each year.

Judge Pendery announced that the Campbell County Annual Christmas Lighting Program will be held on Friday, December 3, 2004 at 7:00 p.m. at the Campbell County Extension Center in Highland Heights. The Program is sponsored by the Fiscal Court and the Campbell County Homemakers Association. He invited everyone to come out and enjoy the singing, have a chat with Santa and get your picture taken. He also announced that the Campbell County Solid Waste Office is sponsoring a computer recycling program on Saturday, November 20, 2004, from 9:00 a.m. to 3:00 p.m., at the former Thriftway Store parking lot, located in Highland Heights, on U.S. 27 at the entrance to Northern Kentucky University. All computers, printers, monitors, keyboards, mouse, etc. can be brought to the site and be disposed of for free.

Judge Pendery then requested a report from the Fiscal Director. Mr. Horine stated that Jim Seibert, Fiscal Affairs Director was out of town attending the KACo Convention. In Mr. Seibert's absence, Mr. Horine presented Resolution R-130-04, 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 execute a renewal Customer Support Agreement with ACS Government Systems for the Pace Assets Program in the amount of \$771.68. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded, to approve Resolution R-130-04. All voted "AYE," and the motion passed unanimously.

Mr. Horine next presented Ordinance O-24-04 for second reading and passage consideration. He explained that this Ordinance amends Chapter 110 of the Campbell County Code of Ordinances relating to the Occupational License Tax. Linda Eads, License Inspector, and Jim Seibert, Fiscal Director, are recommending changes to the Code in order to comply with changes in the Kentucky Revised Statutes. He noted that there will be virtually no changes to the taxpayer in terms of their requirements for payments of taxes under this Ordinance, but deals more with housekeeping procedures in bringing the County in compliance with State law and other jurisdictions across the State. There being no further discussion, Commissioner Rehtin made a motion and Judge Pendery seconded, to approve Ordinance O-24-04. All voted "AYE" and the motion passed unanimously.

Mr. Horine next requested a motion to approve the Claims being presented at this meeting. Mr. Verst stated that he had reviewed the Claims being submitted to the meeting and they appeared

to be appropriate. There being no further discussion, Commissioner Otto made a motion that the Claims be approved and paid. Commissioner Rehtin 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 Verst, seconded by Commissioner Rehtin, that the meeting be adjourned. All voted “AYE” and the meeting was adjourned at 6:28 p.m.

Attachments:

Proclamation: America Recycles Day in Campbell County – November 20, 2004
Proclamation: Worthy Grand Matron Phyllis Helmkamp and Worthy Grand Patron Jerry Smith Day in Campbell County – November 20, 2004
Ordinance O-23-04: Adoption of Revised Flood Damage Prevention Ordinance
Ordinance O-24-04: Amendment of Chapter 110 of Code of Ordinances – Occupational Taxes
Ordinance O-25-04: Rezoning of 4.3-Acre Site – Cartec Engineering
Ordinance O-27-04: Amendment of Chapter 90 of Code of Ordinances – Animals
Resolution R-126-04: Fiscal Year 2005 Aging Tax Allocation
Resolution R-127-04: Fiscal Year 2005 Aging Tax Contract
Resolution R-128-04: Contract with City of Melbourne
Resolution R-130-04: Approval of Support Agreement for Software
Resolution R-131-04: Approval of Change Order for Restricted Custody Center
Resolution R-132-04: Housing Department Operating Budget Revision #1 for 6/30/05
Resolution R-133-04: Acceptance of Grant from Kentucky Department of Homeland Security
Claims: November 17, 2004
November 17, 2004 (Election Claims)

Approved:

/s/ Steve Pendery
STEVE PENDERY, Judge/Executive

Attest:

/s/ Sandra L. Mulligan
Sandra L. Mulligan
Fiscal Court Clerk