

CAMPBELL COUNTY FISCAL COURT MINUTES

November 16, 2005

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 16, 2005, 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 E. OTTO
KENNETH L. RECHTIN
MARK T. HAYDEN

Robert Horine	County Administrator
Justin Verst	County Attorney
Keith Hill	Chief, Campbell County Police Department
Sarah Collins	Director of Housing
Lisa Bowman	Animal Shelter Director
Jim Daley	Chief Deputy Jailer
Jim Seibert	Fiscal Affairs Director
Ken Knipper	Director, Office of Emergency Management
Linda Eads	Chief Tax Compliance Officer
Brett Ruschman	IT Manager
Melissa Williams	Director of Administration
Josh Wice	Administration Analyst
Sandra Mulligan	Fiscal Court Clerk

Also present was Jeffrey C. Mando, Attorney at Law, who is representing the Campbell County Jail in pending litigation.

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 November 2, 2005. It was moved by Commissioner Otto and seconded by Commissioner Hayden that the minutes of November 2, 2005 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. Pat Lucas, a resident of Wilder, inquired as to what the annual County budget was. Mr. Seibert stated that the total budget is \$27 million.

Commissioner Rehtin then introduced his daughter, Hannah Rehtin, and Nathan Madden, who were present as guests. He stated that Hannah and Nathan are in Terry Vance's Political Science Class at Northern Kentucky University.

Judge Pendery then requested items of Old Business be brought before the Court. Ms. Williams presented for second reading and passage consideration Ordinance O-16-05, which she read by title and provided a summary to the Court. She explained that this Ordinance amends the Campbell County Code of Ordinances, Chapter 30, Sections 15 through 25, by updating the Internet Service Use Policy. She noted that Brett Ruschman, IT Manager, and Josh Wice, Administration Analyst, both worked on the update and were present to answer any questions. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Hayden seconded to approve Ordinance O-16-05. All voted "AYE," and the motion passed unanimously.

Judge Pendery next requested items of New Business be brought before the Court. Ms. Williams presented Resolution R-146-05, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the acceptance of a grant in the amount of \$45,985 from the U.S. Department of Housing and Urban Development to the Campbell County Department of Housing. She noted that Sarah Collins, Director of Housing, was present to answer any questions. Ms. Collins stated that she and Joseph Clevenger, the Family Self-Sufficiency Coordinator wrote this grant and noted that the grant helps to fund the salary and benefits of the Family Self-Sufficiency Coordinator. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-146-05. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-148-05, 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 Deed of Conveyance and Memorandum of Understanding between the Campbell County Public Parks Corporation and the Kentucky Transportation Department regarding Parcel No. 107 of the Campbell County Parks. This parcel relates to the widening of U.S. 27 and is located near the A.J. Jolly Golf Course sign. The Fiscal Court will receive \$78,100 for the land, which includes a sum for the temporary easement. There is a deed restriction on this property due to being developed with grant land funds, and the County has an obligation to purchase an additional piece of land with the same value and put the same restriction on the newly purchased land. She noted that the County will have approximately 12 months to meet this obligation. Commissioner Rehtin requested that a thank you note be sent to Bud Pogue for all the hard work he did on this project. He also noted that these funds do not necessarily have to be spent on land in the same area. The funds could potentially be used in an area around the new County Administration Building for recreational or green space. Commissioner Otto stated that County Administrator, Robert Horine, had met recently with representatives of Asbury Methodist Church regarding land that could be used for possible soccer fields or green space. Mr. Horine stated that this group of people informed him that they have acquired 15 acres of land adjacent to the Extension Service and they plan to develop approximately 8 of those acres. They are looking to develop or dispose of the remaining acres. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Hayden seconded, to approve Resolution R-148-05. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-149-05, 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 apply for grant funds from the Kentucky Department of Agriculture's Animal Control Board in the amount of \$1,000. These funds will be used to purchase fencing for cages for puppies and/or nursing female animals. She noted that Lisa Bowman, Animal Shelter Director, was present to answer any questions. There being no further discussion, Commissioner Rechlin made a motion and Commissioner Otto seconded, to approve Resolution R-149-05. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested that Resolution R-150-05 be tabled until such time as staff had additional time to further investigate the recommendation. Judge Pendery stated that Resolution R-150-05 was tabled.

Ms. Williams then presented Resolution R-151-05, 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 Time Warner Telecom to provide Internet Services to the Fiscal Court and authorize the renewal of existing agreements for services to County locations. She noted that Brett Ruschman, IT Manager, was present to answer any questions. Judge Pendery inquired asked if the new agreement would provide the County with more bandwidth. Mr. Ruschman stated that the new agreement would triple the amount of bandwidth for the County, and would only cost \$20 more per month. Mr. Horine stated that in the process of obtaining this agreement, Mr. Ruschman was able to secure a three-year renewal of the access that the County currently has using Time Warner's lines, which will afford the County a savings more than the \$20 additional cost. Commissioner Rechlin inquired as to whether there were other providers of the same service. Mr. Ruschman stated that Cincinnati Bell currently provides this service and could provide a T1 line, but that it benefited the County to get the three-year contract prices from Time Warner. Commissioner Rechlin asked if there was a competitive bid situation for these services. Mr. Ruschman stated that there were telephone calls made to get quotes on the services. Commissioner Otto asked if it was a new service for Time Warner to come across the river to deliver their services. Mr. Ruschman stated that it is not a new service and that Time Warner currently has lines into our courthouse, and we would be adding a new line. Mr. Horine stated that the County has been using Time Warner for approximately one and one-half years, and at the time their services were secured, it was a competitive bid. There being no further discussion, Commissioner Otto made a motion and Commissioner Rechlin seconded, to approve Resolution R-151-05. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-153-05, 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 Addendum with the City of Melbourne for ice and snow maintenance services for 2005-2006 on Reinert Drive and on railroad crossings located at Anderson Lane, Melbourne Avenue and Lincoln Avenue. The rates were increased this year due to the increased cost of fuel, salt and manpower. Commissioner Hayden asked if these rates were consistent with the charges for other cities that the County has the same agreement with. Ms. Williams stated that the rates are consistent with the rates charged to the other entities that the County has entered into agreements with. Commissioner Hayden asked what the phrase in the agreement, "the City of Melbourne, Kentucky shall pay the County for labor, equipment and materials at the rate of \$95 per winter maintenance trip over Reinert Drive" means. Ms. Williams stated that if the City of Melbourne requests the County to provide snow

and ice maintenance on a given day, the County will use its vehicles to put salt down or plow the street. Each time the County performs this maintenance on Reinert Drive, the City will be billed the amount of \$95. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-153-05. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to continue the current cable rates for residents of Lakeside Terrace Apartments. The rates are reviewed annually, and it is recommended at this time that the rates remain the same. There being no further discussion, Commissioner Otto made a motion and Commissioner Hayden seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine, County Administrator, stated that he had nothing further to report.

Judge Pendery then requested a report from the County Attorney's office. Mr. Verst stated that he would like to defer his report to the end of the meeting for purposes of entering into an Executive Session.

Judge Pendery then stated that the reports from the Commissioners and the Judge/Executive would be deferred until the end of the meeting also, and next requested a report from the Fiscal Director. Mr. Seibert requested a motion to award bids for surplus property as recommended by staff. He stated that these items were primarily automobiles and no bids were received on some of the items which are classified as scrap. There was a total of \$9,135 bid on the items. Mr. Horine stated that documentation had not been provided to the Court regarding the actual bids, and requested that action on this motion be postponed until the end of the meeting after which time the documentation could be reviewed.

Mr. Seibert then presented for second reading and passage consideration Ordinance O-15-05, which he read by title and provided a summary to the Court. He explained that this Ordinance amends Chapter 110 of the Campbell County Code of Ordinances relating to Occupational Taxes, and corrects editing errors. The amendments proposed are the result of recommended language from the Kentucky Occupational License Association. He noted that Linda Eads, Chief Tax Compliance Officer, was present to answer any questions. Commissioner Hayden inquired as to whether these amendments were changes in language only, and not to change rates. Mr. Seibert stated that that was correct. There being no further discussion, Commissioner Hayden made a motion and Commissioner Rehtin seconded to approve Ordinance O-15-05. All voted "AYE," and the motion passed unanimously.

Mr. Seibert then requested a motion to authorize staff to purchase a 2006 Ford 350 dump truck, which is equipped with a snow plow and salt spreader, in the amount of \$43,274 from the State contract. The vehicle will be used by the Road Department, and will replace a 12-year old pick-up truck. He noted that Ken Schultz, Director of the Road Department, is recommending the purchase. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Hayden seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested approval of the Transfers being presented at this meeting. These transfers will bring all accounts into proper balance. There being no further discussion,

Commissioner Rechtin made a motion and Commissioner Hayden seconded, to approve the motion. All voted “AYE” and the motion passed unanimously.

Mr. Seibert then requested approval of the Claims being presented at this meeting. County Attorney Verst advised that he had reviewed the Claims and that they appeared to be appropriate. Commissioner Otto inquired as to whether Correct Care had provided documentation regarding the amount of savings the County will receive. Mr. Seibert stated that the County has asked Correct Care for that report. Mr. Daley stated that Karen Castle, Office Manager at the Jail, is tracking this, and unfortunately, there has not been any degree of savings yet. Judge Pendery noted that there has not been an occasion of a catastrophic event that the County needed to protect itself against. Mr. Daley stated that St. Luke is only giving Correct Care the same 30% savings that they had given the County, but the savings will most likely be noticed with physician and specialty services bills. Commissioner Rechtin asked how far into the contract with Correct Care the County was. Mr. Daley stated it was approximately two months. He noted that one thing to keep in mind is that when the County submits its medical bills through Correct Care, this will automatically get them into the State process, which will hopefully keep the running total on the reimbursements from the State. Mr. Horine stated that Correct Care’s services will be evaluated to make sure that it is still in the best interests of the County to maintain those services. Mr. Seibert stated that one of the things Correct Care has stated is that their major source of savings will be utilization review, where they review the care in a hospital by an inmate. Mr. Horine stated that Correct Care has been given one case that is an already completed case. Correct Care is reviewing this case to see if there is any opportunity to go back and claim a reduction for a service that was delivered that perhaps should not have been. There being no further discussion, Judge Pendery made a motion that the Claims be approved, and Commissioner Otto seconded the motion. All voted “AYE” and the motion passed unanimously.

Judge Pendery then requested a report from the County Attorney. Mr. Verst requested a motion to enter into Executive Session per KRS 61.810(c) to discuss pending litigation pertaining to the Campbell County Detention Center. There being no further discussion, Commissioner Rechtin made a motion, seconded by Commissioner Hayden, to enter into Executive Session. All voted “AYE” and the motion passed unanimously. The Court then entered into Executive Session at 6:01 p.m., with Mr. Daley, Mr. Mando, Mr. Verst, Mr. Seibert and Ms. Williams being invited to attend the session.

At the conclusion of the Executive Session, Ms. Williams requested a motion to exit the Executive Session. There being no further discussion, Commissioner Rechtin made a motion, seconded by Commissioner Otto, to exit the session at 6:33 p.m. All voted “AYE” and the motion passed unanimously.

Mr. Verst then presented Resolution R-152-05, 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 Settlement Agreement on behalf of the Campbell County Fiscal Court in the matter of James Hollingsworth, et al. v. Campbell County, Kentucky, et al. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-152-05. All voted “AYE” and the motion passed unanimously.

Judge Pendery then called on Mr. Seibert to complete his report. Mr. Seibert had distributed the information related to the bids on surplus property for the Court members to review. He then requested a motion to award the bids as recommended by staff. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery then announced that the annual Campbell County Christmas Tree Lighting Program will be held on Friday, December 9, 2005 at the Campbell County Extension Center at 7:00 p.m. He noted that the St. Joseph Elementary Choir will provide entertainment and Santa Claus will be making an appearance. The Campbell County Homemakers will provide refreshments. He encouraged everyone to come to this event.

There being no further business to come before the meeting, it was moved by Commissioner Otto, seconded by Commissioner Rehtin, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 6:42 p.m.

Attachments:

Ordinance O-15-05: Amendment of Chapter 110 of Code of Ordinances

Ordinance O-16-05: Amendment of Administrative Code Regarding Internet Service Use Policy

Resolution R-146-05: Housing FSS Grant from HUD

Resolution R-148-05: Deed and Memorandum of Understanding Relating to the Transfer of a 3.3 Acre Parcel

Resolution R-149-05: Animal Shelter Grant from Department of Agriculture Animal Control Board

Resolution R-151-05: Agreement for Internet Services

Resolution R-152-05: Settlement Agreement in Detention Center Lawsuit

Resolution R-153-05: Snow and Ice Maintenance Agreement with City of Melbourne

Transfers: November 16, 2005

Claims: November 16, 2005

November 16, 2005 (Supplemental)

Approved:

/s/ Steve Pendery

STEVE PENDERY

Campbell County Judge/Executive

Attest:

/s/ Sandra L. Mulligan

Sandra L. Mulligan

Fiscal Court Clerk