

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

February 18, 2009

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, February 18, 2009, at 5:30 p.m. at the Fiscal Court offices, 24 West Fourth Street, Newport, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:15 p.m. for the purpose of considering the approval of the issuance of Industrial Building Revenue Refunding Bonds, Series 2009, for Main Street Baptist Church of Alexandria, Kentucky, Inc. Present at the hearing were:

Steve Pendery, Campbell County Judge Executive
Kenneth Rechten, County Commissioner
Mark Hayden, County Commissioner
James Daley, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
Col. Keith Hill, Campbell County Police Department
Jim Seibert, Director of Fiscal Affairs
Ken Knipper, Director of the Office of Emergency Management

Judge Pendery opened the public hearing. Dirk Bedarff, Peck, Schaffer and Williams, bond counsel for the Main Street Baptist Church of Alexandria, Kentucky, explained that this bond issue is a refunding of bonds issued in 2004 for the Main Street Baptist Church in Alexandria in an amount not to exceed \$1,825,000. The proceeds of the bonds were used to finance an educational facility at the Church. The refunding is being done due to structural changes in the credit market. He advised that there is no obligation to the County; the bonds are secured solely by the loan payments made by the Church. Barry Jolly, Trustee of Main Street Baptist Church of Alexandria was present to answer any questions. Judge Pendery invited questions from those present, there were none, and the public hearing was closed at 5:20 p.m.

Melissa Williams introduced Clay Sullivan a teacher from Campbell County High School, who brought two students from the Future Farmers of America (FFA) Club with him to accept the proclamation on FFA Week. Mr. Sullivan introduced Phil Henderson, President of the FFA Club, and Ashley Rich, FFA Sentinel. He stated that there are 225 FFA club members at Campbell County High School. Receiving this proclamation is one of the many activities that are scheduled to celebrate FFA Week which is February 21 through 28, 2009. Judge Pendery thanked Messrs. Sullivan and Henderson and Ms. Rich for coming to the meeting.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
KENNETH RECHTIN
MARK HAYDEN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Jim Seibert	Director of Fiscal Affairs
James Daley	County Attorney
Col. Keith Hill	Chief, Campbell County Police Department
Paula Spicer	Fiscal Court Clerk
Ken Knipper	Director of Office of Emergency Management

The meeting was called to order at 5:30 p.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.

Minutes from the Fiscal Court Meeting held on February 4, 2009, were presented by Judge Pendery. Motion was made by Commissioner Rechtin, seconded by Judge Pendery, to approve the minutes as amended. All voted "AYE" and the motion passed unanimously.

Judge Pendery announced that Commissioner Dave Otto was absent due to illness.

There were no guests scheduled to speak, so Judge Pendery opened the floor for comment. J. R. Roth, citizen, asked if the meeting was being recorded. Judge Pendery replied that it was being recorded. Mr. Roth expressed his displeasure with the Cable Board for awarding a franchise to Cincinnati Bell for service in areas of Campbell County. He stated that there are a lot of people in the south end of the County that do not get any service.

Old Business was presented next. Melissa Williams read O-01-09 for second reading and passage consideration. It was read by title and summary given by title. This ordinance authorizes the issuance of Industrial Building Revenue Refunding Bonds, Series 2009 (Main Street Baptist Church of Alexandria, KY, Inc. Project) of the County of Campbell, Kentucky, in an aggregate principal amount not to exceed \$1,825,000, the proceeds of which shall be loaned to Main Street Baptist Church of Alexandria, Kentucky, Inc. to refund outstanding obligations originally issued to finance and refinance the acquisition, construction, installation and equipping of facilities suitable for use in furtherance of the educational purposes of Main Street Baptist Church of Alexandria, Kentucky, Inc. and located within the County of Campbell, Kentucky; providing for the pledge of revenues for the payment of such bonds; authorizing a loan agreement appropriate for the protection and disposition of such revenues and to further secure such bonds; authorizing a bond purchase agreement, tax regulatory agreement, mortgage and assignments; and authorizing other actions in connection with the issuance of such bonds. Commissioner Rechtin made a motion to adopt O-01-09, seconded by Judge Pendery. All voted "AYE" and the motion passed unanimously.

Ms. Williams presented new business beginning with a request for a motion to proclaim February 21 through 28, 2009 as Future Farmers of America Week in Campbell County, Kentucky. Campbell County citizens are urged to recognize and acknowledge the contributions of the Campbell County FFA Chapter. This proclamation was requested by Erin Jury and Clay Sullivan teachers at Campbell County High School. Commissioner Hayden made the motion, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed unanimously. Judge Pendery read the Proclamation in its entirety. Judge Pendery and Commissioners Rechtin and Hayden posed for photographs with FFA Club members Phil Henderson and Ashley Rich. Mr. Henderson was asked how many farms are in Campbell County. He replied that there are a lot of small farms of 10-acres or less, however, there is a big increase in agricultural uses such as greenhouses, nurseries and landscaping. The use of biotechnology in creating more disease-resistant plants is also a big part of agriculture. Agriculture is still thriving in Campbell County.

Resolution R-18-09 was read by title and summary given. R-18-09 adopts a revision to Chapter 13F of the Campbell County Police Policy and Procedure Manual. Ms. Williams explained that this amendment changes the number of different uniforms issued to new officers and deletes uniform items no longer needed. Commissioner Rechtin made a motion to adopt R-18-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to appoint the following seasonal employees for the 2009 Park Season: Daniel Brandenburg, Tyler Bocker, Howard Tucker, and Carol Fryman for park maintenance, Elden Siemer, Terry Kennedy, Andrew Ashmore and Aaron Myers for golf course maintenance. All appointments are effective February 19, 2009, which gives Directors Dennis Reller and Steve Myers discretion to bring employees on as needed. Motion was made by Judge Pendery, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for the position of Director of the Office of Emergency Management due to the pending retirement of Ken Knipper. Motion was made by Judge Pendery, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Ronald Schneider as the Acting Director of the Office of Emergency Management on an emergency interim basis due to the retirement of Ken Knipper. The appointment will be effective March 1, 2009 with compensation set at Grade 14J (\$54,466.00 annually). Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

A motion was requested to approve the acceptance of the Consumer Price Index (CPI 0.0917) as calculated by the Governor's Office for Local Development to set the annual compensation for elected officials for calendar year 2009 for the following elected officials: Steve Pendery, Judge/Executive, Greg Buckler, Jailer, James Daley, County Attorney, David Otto, County Commissioner, Kenneth Rechtin, County Commissioner, Mark Hayden, County Commissioner, and Mark Schweitzer, County Coroner. The compensation is retroactive to January 1, 2009. Judge Pendery recommended that they hold off on taking action since they have not talked to Mark Schweitzer about it. Commissioner Rechtin asked if this is something that they have to do. Judge Pendery stated that he didn't think that they had to take action; the State sets a rate as

provided by law. However, he would like to talk to everybody involved. The amount is less than 1%. Commissioner Hayden asked if individuals can opt out of the change.

A motion was requested to appoint Josh Spicer to the position of Part Time IT Intern in the IT Department with compensation set at Grade 6H (\$11.21/hour). The appointment is effective February 18, 2009. Motion was made by Judge Pendery, seconded by Commissioner Hayden. Commissioner Rehtin stated that he was voting "No" on this motion as he does not think that it is important to add staff at this time. Judge Pendery and Commissioner Hayden voted "AYE", Commissioner Rehtin voted "NAY" and the motion passed.

Robert Horine began his report by presenting Resolution R-19-09 which was read by title and a summary given. R-19-09 authorizes the Judge/Executive to execute a professional services agreement with Cardinal Engineering Corporation in the amount of \$10,300.00 for design of a parking lot. The lot will be located at property acquired at 10th and Saratoga Street and 1009-1011 Monmouth Street, Newport, to provide off-street parking for employees in the new County administration building. This agreement is for design of the parking lot so that it can be constructed and ready when the building is occupied in fall 2009. Commissioner Rehtin made a motion to adopt R-19-09, seconded by Commissioner Hayden. Commissioner Rehtin requested that Cardinal Engineering work with the City of Newport to ensure that they comply with the City's recommendations and regulations. Tim Nolan, citizen, asked how many parking spaces will be designated for the new administration building. Judge Pendery stated that there will be approximately 80 spaces at the building site for customers. Mr. Horine stated that the lot across Monmouth Street and the lot at 10th and Saratoga Streets will have approximately 61 spaces for employees. Lloyd Rogers, citizen, asked if the 10th and Saratoga lot used to be a car lot. Mr. Horine replied that it was. J. R. Roth, citizen, stated that the \$10,000.00 is for a lot with 61 spaces. Mr. Horine stated that there would be approximately 61 spaces. All voted "AYE" and the motion passed.

Mr. Horine requested that Resolution R-20-09 be tabled for additional consideration over the next couple of weeks.

Resolution R-21-09, added to the agenda late this afternoon, was read by title and summary given. R-21-09 authorizes the Judge/Executive to enter into an updated agreement with H. C. Nutting Company to design and provide testing and inspection services for construction of a pier wall on Covert Run Pike. Mr. Horine explained that in November 2008, the Fiscal Court authorized agreements with CDS Associates and H. C. Nutting to design a pier wall to correct a slippage on Covert Run Pike to be paid with Emergency Road Aid funds from the Kentucky Transportation Cabinet. It was recently discovered that the actual design of the wall was not included in the original agreements with CDS and Nutting. He stated that staff is following a model used successfully by the City of Ft. Thomas using these same companies to correct slip areas in their City. After comparing the updated agreement, it was found to be consistent with the scope of work and costs paid by Ft. Thomas. H. C. Nutting has amended their agreement to include the actual design work for a lump sum of \$5,500.00, increasing the total fee paid to Nutting to \$9,572.00. This updated agreement will replace the prior agreement entered into in November, 2008. Commissioner Rehtin made a motion to adopt R-21-09, seconded by Judge Pendery. J. R. Roth, citizen, asked if this was competitively bid the first time. Mr. Horine stated

that this agreement is for professional engineering services and is not required to be bid. Lloyd Rogers, citizen, asked if the Fiscal Court checked with George Thelen. Mr. Horine stated that the Fiscal Court has relationships with Thelen and Nutting, however Nutting has completed a project in the immediate vicinity of this project and already had a lot of base information that was useful in this project. All voted "AYE" and the motion passed.

Commissioner Hayden stated that now that the \$700 or \$800 billion stimulus plan has been signed by the President, it would be helpful if the County Administrator or staff would report to the Fiscal Court on the efforts by Campbell County to retain in the County some of the stimulus funds, and our progress in getting projects funded by the bill.

Jim Seibert requested a motion to authorize staff to solicit bids to construct a water line at A J Jolly Park. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to solicit bids to construct improvements to Covert Run Pike. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to acknowledge that the Treasurer and Occupational Tax Bonds are in place for 2009 as required by the Kentucky Revised Statutes. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Mr. Seibert requested a motion to approve the claims as presented for February 18, 2009. Motion was made by Commissioner Hayden, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed. County Attorney James Daley stated that he reviewed the claims and all appear appropriate.

Lloyd Rogers, citizen, asked regarding the insurance tax, if Alexandria would only take 7% instead of 10%, would the County step in and take the 3%. Judge Pendery replied that that is how the law works. Mr. Rogers stated that they were going to take the 10%.

Judge Pendery called for a vote on paying the bills. All voted "AYE" and the motion passed.

James Daley requested an executive session pursuant to KRS 61.810(1)(b) and (c), proposed or pending litigation, and acquisition or disposition of real estate, respectively. Motion for executive session was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

At 5:50 p.m. Judge Pendery stated that the Fiscal Court would move into executive session, noting that no further action would be taken by the Court.

Ken Knipper announced that the County has reached about one half million dollars worth of loss from the ice storm.

Motion was made by Commissioner Rehtin, seconded by Commissioner Hayden to adjourn the executive session. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Judge Pendery made a motion to adjourn, seconded by Commissioner Hayden. All voted "AYE" and the meeting adjourned at 6:58 p.m.

Attachments:

Proclamation Future Farmers of America Week in Campbell County
Ordinance O-01-09 Industrial Revenue Bonds – Main Street Baptist Church of Alexandria
Resolution R-18-09 Amend Campbell County Police Policy Manual
Resolution R-19-09 Agreement with Cardinal Engineering
Resolution R-21-09 Agreement with H. C. Nutting Company
Claims of February 18, 2009

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk