

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

AUGUST 19, 2020

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, August 19, 2020 at 5:30p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

In attendance at the regular meeting were:

COUNTY COMMISSIONERS
GEOFF BESECKER
TOM LAMPE
BRIAN PAINTER

County Attorney Steve Franzen,
County Administrator Matt Elberfeld,
Fiscal Court Clerk Paula Spicer,
Police Chief Craig Sorrell,
Planning and Zoning Director Cindy Minter

The meeting was called to order at 5:30 p.m. by Commissioner Painter. Cable access was present to film the meeting. The meeting was also broadcast live on the Fiscal Court Facebook Page.

Commissioner Painter announced that Judge Pendery was absent and entertained a motion for someone to chair the meeting. Commissioner Lampe made a motion to have Commissioner Painter preside over the meeting in the absence of Judge Pendery. Commissioner Besecker seconded the motion. All voted "Aye" and the motion passed.

Commissioner Painter gave an invocation, followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present.

Minutes from the Fiscal Court special meeting of August 5, 2020 were presented. Commissioner Besecker made a motion to approve the minutes, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Commissioner Painter asked if anybody who had signed in wished to speak about any topic other than the Parkside zoning amendment. Finding that no one had signed in to address another topic, Commissioner Painter called on Cindy Minter to report on the Parkside Redevelopment zoning map amendment.

Cindy Minter explained that a request was made for an overlay over the R-1C zone for a portion of the Parkside III Development in Campbell County. The Campbell County and Municipal

Planning and Zoning Commission heard the request on July 28, 2020 and approved the request subject to a number of conditions. She then read the list of conditions as contained in Ordinance O-10-20. Commissioner Painter proceeded to call on those that had signed in to speak.

Tim Theissen, Attorney for Sun Valley Real Estate the developer, introduced Joe Kramer of Cardinal Engineering, Jason Finch of Fischer Homes and Tom Munninghoff. Mr. Theissen explained that the developer wishes to build paired patio homes (two single-family homes that share a common wall) on some of the lots in the new section of the subdivision that hasn't been built yet. This will be the only place in Campbell County where this kind of a residence will exist. They are not asking for more units to be built than allowed by zoning. He clarified that there will be no apartment buildings. He pointed out that the proposal must comply with the Comprehensive Plan and the Planning Commission determined that it did. Mr. Theissen stated that a lot of time was spent on working out the conditions which are acceptable to the developer. He reminded the Fiscal Court that they must make their decision based on the Planning Commission's record.

Joe Kramer explained the differences in the current plan and the plan submitted last November based on comments received including the addition of a road connection to Woeste Road and the addition of two units. He stated that the layout of the streets, grading and utilities in the subdivision will remain the same because the footprint of the paired patio homes will be about the same as the single-family homes. Commissioner Painter questioned the detention pond site and if any of the foundations are on the site. Mr. Kramer stated that borings were conducted and there is a detailed report addressing hillside stability, slope stability but not specifically the detention basin. All fill is currently engineered. Ms. Minter added that they are aware of the soil conditions as there were some roadways in the subdivision that needed work earlier than expected. When the streets were laid out they were designed around questionable soil areas and detention basins were created to address that issue. She is comfortable with the current design. She agreed with Mr. Kramer that there is geotechnical and many engineers on site to inspect; the Planning and Zoning staff and Road Department also inspects to make sure the road is installed correctly. Building inspectors are involved in the early stages and an engineer is brought in if anything questionable is discovered. There are many safeguards in place.

Mr. Franzen took this opportunity to explain to the Fiscal Court about its options regarding this case. The Fiscal Court is bound by law as to what it can and can not do and consider. There will be no action tonight – this is a first reading of the ordinance. There are three things that the Fiscal Court can do: (1) affirm the recommendation of the Planning Commission and pass the ordinance, (2) reverse and go against the recommendation of the Planning commission, however this must be based solely on the record from the Planning Commission not on any other comments, or (3) they could make a decision different than the Planning Commission and have their own hearing in which they could consider anything that was brought forth in the hearing including but not limited to the Planning Commission record. The action of the Fiscal Court must be taken within 90 days of the Planning Commission's decision. If they do not act within 90 days, the Planning Commission's action goes into effect. People can make comments on their issues with the Homeowner's Association (HOA), however the Fiscal Court has nothing to do with the HOA and there is nothing they can do about it. The Fiscal Court has no authority over a deal that the homeowners' have with the developer or HOA.

Commissioner Painter asked Jason Finch and Tom Munninghoff if they would like to speak and they both declined. He then called on Brian Tiemeier to address the Fiscal Court.

Brian Tiemeier, 11017 Hayfield Drive and has purchased a new home from Fischer Homes that is under construction at 11044 Pondwoods Drive, has lived in the Reserves of Parkside for the last 10 years and intends to live there for many years to come. He attended the July 28, 2020 Zoning Commission meeting and along with others voiced his concerns however he believes that his and others concerns were disregarded by the Planning Commission. Multiple members of the Planning Commission seemed unprepared even though the staff had provided them extensive materials on the subject. Mr. Tiemeier stated that the staff had recommended approval of the zoning request in November 2019, however after more research they found that the requested change was not appropriate, reversed their decision and recommended that the Planning Commission reject the request. The Planning Commission voted to approve the zone change anyway. Mr. Tiemeier stated that he made multiple requests to the Planning Commission for public documents but his requests have gone unanswered. Some of his concerns are open spaces, soil erosion and ground water runoff. He stated that the statement of the developer and Fischer Homes about the need for patio homes in Campbell County is misleading since Fischer offers patio homes at Arcadia although those are single-family dwellings and the proposed paired patio homes share a common wall. Mr. Tiemeier stated that both the developer and Fischer Homes have lied to the Parkside residents for years to entice prospective buyers by advertising community pool, clubhouse, parks, trails, etc. which have not been provided. They also advertised large wooded lots which have shrunk from an acre, to half and now quarter acre lots so that they could fit in more houses thereby making more money. The developer and Fischer Homes continue to sell homes in a recently opened section at Parkside without disclosing the possibility of a paired patio home next to a single-family home. This is a deceitful and misleading practice because they want to sell as many houses as possible with complete disregard to the homeowners. The Parkside residents are at a disadvantage since they do not have the power or influence of the developer and cannot afford a lawyer to represent them. The residents care deeply about their community and that is why they have come to the Fiscal Court and hope that they will hear their concerns and truly vet those concerns.

Matt Snowball, 1252 Parkside Drive, stated that Mr. Tiemeier nailed it. He believes that the communal space is part of the zoning issue. He stated that by offering the residents some communal space like a pool or playground in a useable area is good not only for the residents, but for Sun Valley, Fischer Homes and the County. The residents need some concessions if something like this is added. The amenities were promised from the beginning and are still mentioned in the HOA paperwork.

When called on, Greg Maggard, 1244 Parkside Drive, yielded his time to speak since his comments had been covered by the other speakers.

Samantha Reinhart, 1219 Parkside Drive, stated that she feels that the concerns of the residents fell on deaf ears of the Planning Commission. The residents have tried to reach out to the developer with their concerns to reach some agreement. The paired patio homes will attract a different demographic to their neighborhood – the integrity of the neighborhood is single-family homes. The residents bought into a community where they have to take care of their homes

which is important to them as homeowners. Ms. Reinhart stated that as the parent of a child in the Campbell County School District, Grants Lick Elementary and Campbell County Middle School are already overcrowded. Grants Lick purchased property, but a grant fell through and no one knows when they will be able to develop it to alleviate overcrowding. Adding extra homes and children will increase the overcrowding in the schools. Ms. Reinhart added that another issue is flooding. Whenever there is heavy rain, they experience a lot of flooding issues. She has seen it in front of her house and in the rear of the house where the paired patio homes are planned. Ms. Minter has addressed the soil issues and it was brought up in the Planning Commission meeting. The neighborhood also has experienced a number of foundation issues in different parts of the subdivision. It is a huge concern to the residents that has not been addressed.

Tim and Connie Koeninger, 1259 Parkside Drive, only signed in as being present; they did not wish to speak.

Mr. Elberfeld then read into the record emails that were sent to the Fiscal Court regarding Parkside from: Samantha Reinhart, Brandi and Richard Fritsche, Dustin Baker, Michelle Helton, Natalie Baker and Juanita MacDonald. Mr. Elberfeld stated that these emails may not include all that were sent, but during COVID-19 the Fiscal Court has offered people who are not comfortable attending the meeting the option of submitting comments electronically which are read into the record. Other emails sent directly to Judge Pendery or the Commissioners are certainly considered as well. Commissioner Painter reiterated that no action will be taken tonight. He allowed a few minutes for audience members to leave the meeting before proceeding with the agenda.

Paula Spicer presented Ordinance O-10-20 for a first reading by title. O-10-20 updates the official zoning map for unincorporated Campbell County to include a Residential Cluster Development Overlay Zone (RCD) to be overlaid on the existing Residential-1C (R-1C) zone for a portion of the Parkside III Development in Campbell County, Kentucky. No vote was taken on the first reading of the ordinance.

Resolution R-58-20 was read by title. R-58-20 authorizes the Judge/Executive to execute an agreement with the City of Fort Thomas for Crowell and Eustace Road resurfacing projects. Commissioner Lampe made a motion to adopt R-58-20, seconded by Commissioner Painter. Mr. Elberfeld explained that the two roads are located in unincorporated Campbell County and though they are surrounded by Ft. Thomas they are County-maintained roads and on the official road list. Eustace is partly maintained by the County and partly maintained by Ft. Thomas and the City is repaving its portion of Eustace along with other roads in the area. In the past if the County has a road near a City road that needs resurfacing as these two roads do, the County enters into an agreement so that it can get better bid prices. When the County designs its road resurfacing program, they try to keep roads that are geographically close together in that year's plan because they get better pricing from the contractor. Rather than try to bid these two roads on our own we will get better prices by participating with Ft. Thomas. The City will bid and manage the project and rather than paying the contractor, the County will reimburse the City for the costs. All voted "Aye" and the motion passed.

Resolution R-59-20 was read by title. R-59-20 authorizes the Judge/Executive to apply for 2021 Litter Abatement Funding from the Division of Waste Management. Commissioner Lampe made a motion to adopt R-59-20, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Neither the County Administrator nor the County Attorney had reports for this meeting.

Commissioner Besecker commended the local school districts and families that are caught between a rock and a hard place with sending students back to school. From kindergarten to high school seniors who are looking forward to wrapping up their formal education in the County, he is thinking of them and praying for them. Safety is the #1 concern but the mental health and physical health of the students to be back in school is being considered greatly by the school boards.

Commissioner Lampe had no report.

Commissioner Painter announced that unfortunately the Alexandria Fair has been cancelled this year. The saddest thing is that the kids who raise stock animals for the 4-H show have a tremendous amount of time invested in their animals and won't be able to show them. Like the school situation, they want to do well and go to school, have sports and other activities. It is very hard on people to not be able to have their normal routine.

Commissioner Painter announced that Campbell County has hosted a picnic for its senior citizens for the last 52 years. Due to uncertainties surrounding COVID-19 it is not possible this year. However, the County would like to recognize its senior citizens by hosting a drive-thru picnic lunch for Campbell County residents age 60 and older on September 23, 2020 at the Campbell County Senior Center. The lunch is free of charge however participants must register no later than September 9. More information on registration can be found on the County's website or by calling the Senior Center.

Matt Elberfeld presented the Finance Director/Treasurer's report by requesting a motion to approve the purchase of five 2021 Ford Utility Police Interceptor AWD vehicles from Paul Miller Ford, Lexington, KY. The purchase will be made using the State Master Agreement with Paul Miller Ford (MA 758-1800000180). Two vehicles will have standard gasoline engines at a cost of \$36,480 each and three vehicles will have hybrid engines at a cost of \$39,630 each. This is a routine annual police fleet purchase. Staff wants to get the order in now so that hopefully the vehicles will arrive this fiscal year. Motion was made by Commissioner Besecker, seconded by Commissioner Painter. In response to Commissioner Besecker's question, Chief Sorrell stated that last year two hybrid vehicles and three standard gasoline vehicles were purchased; the gasoline vehicles have not been on the road yet. The hybrids have been coming in higher at 23 mpg but this may be misleading due to the high idle time on police vehicles. Once they have the standard vehicles, they will be able to compare the two to see if the hybrids are more efficient. All voted "Aye" and the motion passed.

Resolution R-60-20 was read by title. R-60-20 grants Sheriff Mike Jansen his Quietus for 2019 taxes. This confirms that the Sheriff has collected, accounted for and distributed all the property

taxes for this year. Commissioner Lampe made a motion to adopt R-60-20, seconded by Commissioner Besecker. All voted “Aye” and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims and claims paid per standing order dated August 12 and 19, 2020. County Attorney Steve Franzen advised that he has reviewed the claims and determined that they all appear appropriate. Commissioner Lampe made a motion to approve the claims, seconded by Commissioner Besecker. All voted “Aye” and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Besecker made a motion to adjourn, seconded by Commissioner Painter. All voted “AYE” and the meeting adjourned at 6:40 p.m.

Attachments:

Ordinance O-10-20 1st Reading of Zoning Map Amendment
Resolution R-58-20 Interlocal Agreement with City of Ft. Thomas
Resolution R-59-20 Application for Litter Abatement Grant Funds
Resolution R-60-20 Sheriff’s Quietus for 2019 Tax Collection
Claims and Claims Paid Per Standing Order dated August 12 and 19, 2020

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk