

CAMPBELL COUNTY FISCAL COURT MINUTES

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, January 7, 2004, at 7:00 p.m. at the Alexandria Courthouse, Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

**COUNTY JUDGE/EXECUTIVE
STEVE PENDERY**

**COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
WILLIAM VERST**

Robert Horine	County Administrator
Jim Seibert	Fiscal Director
Justin Verst	County Attorney
David Sandfoss	Chief, Campbell County Police Department
Keith Hill	Assistant Chief, Campbell County Police Department
Ken Knipper	Director, Office of Emergency Management
Darlana Brown	Director of Housing
Melissa Williams	Director of Administration
Sandra Mulligan	Fiscal Court Clerk

The meeting was called to order at 7:00 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 special Fiscal Court meeting of December 17, 2003. It was moved by Commissioner Otto and seconded by Commissioner Verst that the minutes of the Fiscal Court meeting of December 17, 2003 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested Police Chief David Sandfoss come forward to present the Police Service Awards. Chief Sandfoss stated that he would like to recognize several County police officers for their outstanding accomplishments over the years. He made personal comments about each officer and presented awards as follows:

Ptl. Jason Faulkner – 5 year Service Award
Ptl. Greg Haigis – 5 year Service Award
Sgt. Stephen Ellison – 10 year Service Award
Sgt. Barrett Champaign – 15 year Service Award
Ptl. Ronald Ratliff – Merit Award

Ptl. Christopher Juniet – Merit Award
Ptl. Tina Straman – Merit Award
Lt. David Fickensher – Merit Award

Judge Pendery added his words of gratitude, stating that the County is proud to recognize these officers, as police work can be a dangerous career and longevity of these officers is commendable. He personally thanked the officers and noted his congratulations to them for their years of dedication and service.

Judge Pendery then asked if there were any citizens or public officials present who wished to address the Court. A number of residents who live in Parkside Subdivision, in the Unincorporated area of the County, were present at the meeting and addressed the Court. Jeffrey Hutton, Dennis Miceli, Harold Griffith, Matt Boyers, Ed Murphy, Jennifer Teipel, Wally Smith, Robin Cornelius, Ken Sheanshang and Gina Swobland expressed their concerns to the Court regarding the readdressing of homes in their subdivision, raising such issues as the need to include Parkside Subdivision in the readdressing program if there is no problem with any of the emergency services finding their residences, the lack or failure of notice to residents that their addresses would be changing, the blaming of the postal service for late or no notices, their displeasure in being forced to change their addresses, the legality of the Fiscal Court to change their addresses and notify utility services of such changes, the possibility of the forced readdressing fitting under the guidelines of the Ex Post Facto laws, the ramifications to residents who decide not to change their addresses, the inconvenience and cost to the residents to make the address changes to the structures of their homes and on their driver's licenses, the failure to hold a second meeting with Parkside residents after the November 12 meeting, the changing of Wills and Deeds, their inability to know what their current address is because of receiving notices with more than one new address, and whether the Court made a mistake in including Parkside in the readdressing process.

Judge Pendery responded that the Court did not make a mistake in including Parkside in the readdressing process. He stated that at the November 12 meeting held at the Extension Environmental Center for the purpose of discussing the readdressing project, he did not blame the postal service for the lack or failure of notice to residents, but rather was explaining that the postal service used the Fiscal Court letters as their opportunity to make the changes in the postal service system, instead of distributing them in a time frame that should have been expected. The letters were held in until the postal service made the changes in their system, and then delivered the mail. He then asked County Attorney to address the legal issues that had been brought up. County Attorney Verst stated that any county under Kentucky's home rule authority has the authority to pass this type of legislation in the betterment of the safety, health and welfare of its citizens. Anything that is not prohibited by state or federal law of the county has the option under home rule authority to transact that type of business, and the readdressing project is the type of project the County has passed in the interests of the safety, health and welfare of its citizens. He also stated that the readdressing project would not constitute an Ex Post Facto law, which is something that makes a crime of something that was not a crime prior to legislation. He verified for the residents that their Wills and Deeds would not necessarily have to be changed, noting that a Will is not affected in any manner by a change of address, and Deeds would

typically be changed whenever the real estate may sell by adding “f/k/a,” standing for “formerly known as” so as to make sure there would be no confusion as to the identity of the property.

Judge Pendery then stated that the readdressing project has been underway for 3 years and this and consolidating the dispatch system were the main issues that police and safety officials brought to his attention when he first took office as Judge/Executive. He realized that the readdressing would be controversial, but the problems by emergency response personnel being encountered when making emergency runs to many addresses were frequent. One of these projects actually affected the severity of the other, because once the dispatch operations were consolidated, there were no longer as many people familiar with the territory in Southern Campbell County to make up for the lack of knowledge at the original dispatch center. He reiterated that it was true that the Parkside Subdivision numbering system did not produce a problem, but emphasized that it is not a case that the residents of Parkside can consider their circumstance in a vacuum. The County will have a new numbering system, the need of which was driven by the other 80% of residents of Campbell County who absolutely needed to have a change in address. Once the numbering system was determined and designed, which was to address problems other than those found in Parkside Subdivision, that subdivision would have been one of the only pockets in all of Unincorporated Campbell County that would have been an exception to what would otherwise be the rule. This would have created the kind of confusion the County is seeking to eliminate with this reform. The numbering system is based on points in geography, is logical, and was designed so that in the vast expanse of Unincorporated Campbell County, the system could be expanded in the future. The perceived need among emergency management personnel was that the address numbers needs to be changed in at least 80% of the cases, and the rest of the addresses needed to be changed so as not to produce further confusion. He pointed out that there are going to be hundreds of new homes in subdivisions in the next few years in Campbell County, many of which will be in the Parkside Subdivision. Residents of those new homes will not receive an exemption to the numbering system, which he stated is not just in the interest of consistency or for political reasons as a recent flyer distributed in the Parkside Subdivision suggested.

Judge Pendery also stated that when the readdressing project was initiated 3 years ago, the County had contact with all the cities, all the emergency management personnel, and the safety and fire department personnel and police chiefs. At none of the meetings held at that time did anyone suggest that exceptions should or would be made, the consensus being that if a reform is installed that is designed to clear discrepancies and resolve inconsistencies, that reform would not be reintroduced because of issues such as those brought before the Court at this meeting by some of the residents. Judge Pendery apologized for the inconvenience the readdressing may cause residents, but stated that the County is doing what it thinks is necessary under the circumstances. He also stated that in hindsight, there are some aspects of the project that could have been done better than they were relating to notice to residents, but noted that there were dozens of newspaper articles, radio mentions, ICN advertising, website information, mail notices, hearings and other meetings held to inform residents of the project. He explained that most of the people involved in the readdressing project do not work for the Fiscal Court. The contractor, Northern Kentucky Area Planning, did the actual groundwork on the project, and they had done the same project for other counties twice in the past. The Fiscal Court has taken responsibility for the mistakes that others involved in the project may have made, but the Court

has no supervisory authority over most of the people who were involved in the process, pointing out that fewer mistakes had been made than one would expect out of 6,000 addresses. He emphasized that in the future when there are hundreds of more homes built in subdivisions and there are thousands more people in those subdivisions, it would look more peculiar in hindsight to have one enclave in the County that did not have the addressing system. If this exception were made for current residents of Parkside Subdivision, it would be political if people in the future look at it and see that the County didn't do what was right just because people were upset with them.

Judge Pendery advised the residents that while there is a difference of opinion between them and the Court, he respects their opinion and understands why they are upset about the project, given the inconvenience and expense, but the project will go forward as planned.

Commissioner Verst then stated that he was in attendance at the November 12 meeting and wanted to concur with Judge Pendery as to what he informed the residents at that meeting. He stated that he understands that some of the residents have experience with the emergency services, but that the Campbell County Firefighters Association and other professionals and providers of emergency services not only supported the readdressing project, but encouraged it and went into the community to educate people as to why this project was necessary. He said the County realized that this project would be disruptive and an inconvenience, but also realized it was necessary and important to the County's future. He also pointed out that the County had made good faith efforts to notify the County at large as to the aspects of this project, and if residents made the assumption that the project would not affect them, he apologized. However, that does not make it wrong to implement the readdressing project. He emphasized that the County has made a concerted effort to have state of the art emergency equipment, adequately trained personnel on staff 24 hours, 7 days per week, which the County never had before, and personnel who are qualified to dispense medical advice over dispatch radios to make sure that the County gets the best service it possibly can to its residents.

Mr. Hutton asked why the Court members did not hold a second meeting with the Parkside residents and also if any of the Court members' addresses were being changed. The Court members stated that none of their addresses were being changed, and Judge Pendery stated that at the November 12 meeting a second meeting was discussed for two weeks later, but that the Court was not able to get in touch with the person who had done the readdressing work in another County to determine if they had encountered this type of issue, in that two week period. The holidays were also a factor in the delay. A meeting with the County Attorney regarding the issue was held, and it was determined that there would be no exception made to Parkside Subdivision residents to exempt them from the readdressing project. Judge Pendery stated that he was of the opinion that since no exemption would be given, a second meeting would not be necessary.

Mr. Sheanshang asked what legal right the Court had to change the residents addresses with their utility companies, and what ramifications there would be, if any, if a Parkside resident chose not to change their address. County Attorney Verst responded that once the Fiscal Court made the decision under the home rule authority to change addresses for the safety, health and welfare of its citizens, they felt it was their responsibility to help the citizens out by contacting the utility

companies with the new address changes. Judge Pendery advised that the addresses for Parkside residents would be changed, but if a resident chooses not to change their addresses on their homes or mailboxes, that is their choice. The County does not have an Ordinance that requires residents to post their addresses on their residences. County Attorney Verst stated that this would be a resident's option; however, any resident who does not post their address runs the risk of not receiving their mail properly, and having problems with medical and emergency response personnel locating their residence. Mr. Sheanshang stated that he wanted whoever called the utility companies and changed his address, to call those utility companies and change it back because that person did not have his permission to change his address. County Attorney Verst advised that a governmental authority, such as a Fiscal Court or City Council, can go through a process such as readdressing, and follow it up by making it uniform for the citizens.

Janet Rickles, another resident of Parkside Subdivision, then stated that she had lived in Parkside almost 5 years, and did not believe that the readdressing would affect her because the information she had did not list her street as one that would be changed. She stated that she was a member of an emergency response team and did not want to have to make a run to a resident's home and not be able to find it because they chose not to put their new number on the mailbox or their house. She asked the residents to please change the numbers on their mailboxes, so that emergency response personnel could get to them as quickly as possible. She asked what the legal aspects would be for emergency personnel if a resident did not change their address on their mailbox due to the fact that some have been given more than one new address, and this caused emergency personnel a delay in responding to their residence. County Attorney Verst stated that the correct addresses for Parkside residents was being resolved. Mr. Horine stated that he apologized to those residents who had received the mistaken notices on their new addresses. An error was found by the Area Planning Commission staff in assigning the numbers and they attempted to recall the letters, but they had already been delivered. The error has since been cleared up and Mr. Horine gave the residents his direct line telephone number for them to call in order to get their correct new address. He advised the residents that he was often at the office after normal business hours and would be happy to take their calls. Commissioner Verst stated that the Judge and Commissioners are available to the citizens and he realized there may be those who were unable to call during normal business hours. He welcomed everyone to feel free to call him at home in the evenings or on weekends, noting that he is listed in the phone book.

Another resident then asked if the County Attorney would agree not to prosecute him if some patrolman does not like his driver's license. County Attorney Verst suggested he call the Department of Transportation located on Washington Street in Newport, for confirmation on changing the address on his driver's license. The resident asked if the County Attorney would advise the police officers in Campbell County not to ticket people with incorrect addresses on their driver's licenses. Mr. Verst stated that in most instances, a police officer does not charge a citizen with not having the correct address on their licenses, but rather advise the citizen to get it changed.

A resident then asked Police Chief David Sandfoss if he would cite someone for not having their correct address on their driver's license. Judge Pendery responded that no elected public official or police official would advise any citizen that they would not prosecute a clear violation of the law. Chief Sandfoss stated that it has been known that the readdressing project has been in the

works for 3 years and most people are dealing with it by a common sense approach, which is working very well for those people who have gone through the change.

Another resident asked if the list of changed addresses could be given to the driver's license bureau in order for those residents with changed addresses to be exempt from the fee for having their license changed. Mr. Horine responded that the list of changed addresses had been provided to the driver's license bureau; however, the fee is state mandated and the bureau is required to charge that fee for any change on a driver's license. The resident stated that she felt the Fiscal Court should absorb the cost. She also stated that she felt the letters notifying residents of changes in their addresses should have been sent by certified mail. She stated that she thought the Court should make the Parkside residents exempt from the fees for the driver's license changes, noting that she was not going to pay the extra money to have this done. Judge Pendery advised her that if she does not, she may likely be fined. She stated that she would then send the bill to Judge Pendery. Judge Pendery advised that common sense needed to be used in this situation, noting again that no elected official is going to tell them there is an exemption for something like this when a state regulation exists to prevent such exemption.

Judge Pendery then asked if there were any other citizens who wished to address the Court. There were none.

Judge Pendery next requested items of Old Business be brought before the Court. Ms. Williams reported that there was no Old Business to be acted on at this meeting.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was the first reading of Ordinance O-01-04. She explained that this Ordinance adopts Supplement 2003 S-8 to the Code of County Ordinances. This Supplement includes Ordinances adopted by the Fiscal Court from January 2003 through June 30, 2003. Ms. Williams stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Ms. Williams then introduced Ordinance O-02-04 for first reading. She explained that this Ordinance will have countywide effect and modifies the County's current Animal Shelter/Animal Control Ordinances to include standards of humane treatment of animals, redefines what it means to have an animal under control, establishes provisions for the inspection of commercial animal establishments, and increases the penalty for violation of the Ordinance. She noted that all cities in Campbell County had received a copy of the Ordinance and that Lisa Bowman, Animal Shelter Director, recommends adoption of the Ordinance. Ms. Williams stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading. Commissioner Rehtin asked if any comments had been received from any of the cities and if the Ordinance would be on the Agenda for the Mayors' meeting to be held on January 20. Ms. Williams stated that no comments had been received to date, and that the Ordinance will be discussed at the Mayors' meeting.

Ms. Williams then stated that on November 14, 2003 the County authorized the Judge/Executive to execute a grant with the State for a community response team grant in the amount of approximately \$1,900. Since that time, the County has learned that only 40 total counties in

Kentucky applied for the grant funds, therefore, Campbell County's approximate amount of funds from said grant will be \$5,750. She acknowledged for the record that Judge Pendery had executed the necessary documents to apply for the increase in said grant funds.

Ms. Williams then acknowledged for the record that Judge Pendery had executed a Local Records Grant for \$35,250 that will be used to create digital images from microfilm of marriage licenses in the County Clerk's office.

Ms. Williams next requested a motion to appoint Christina Webb to the position of Administrative Assistant in the Campbell County Housing Department, at Grade 8A, compensation set at \$21,410 annually, to be effective January 8, 2004. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to approve the appointment of Patrolman Mickey Collins from Patrolman Grade II to Patrolman Grade III, effective January 7, 2004, at a salary of \$36,272. She stated that Officer Collins was awarded service credit of 3.5 years when he was first appointed on July 7, 2003, and has now completed 6 months employment with a satisfactory performance evaluation, making him eligible for promotion to Patrolman Grade III. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to accept the resignation of Gary Proffitt, Animal Kennel Technician, who gave notice this week. She also requested a motion to authorize staff to advertise, interview and hire for the Animal Kennel Technician position at the Animal Shelter. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine advised he had nothing further to report at this meeting.

Judge Pendery then requested a report from the County Attorney. Mr. Verst reported that he had nothing further to report.

Judge Pendery next requested reports from the Commissioners. Commissioners Otto, Verst and Rehtin stated they had nothing further to report at this meeting.

Judge Pendery then announced that Campbell County would be hosting a tree mulching program. Christmas trees are being collected from January 1 through January 18 for mulching. Drop-off sites are at the Alexandria City Building, Riverside Park in Dayton, Highland Park and Tower Park in Ft. Thomas, Highland Heights Civic Center, Morscher Field in Silver Grove, Newport City Garage, and the Southgate Community Center. Judge Pendery also announced that A.J. Jolly Golf Course would be open on weekends during the month of January. Judge Pendery then stated that a Campbell County Mayors' Meeting would be held on Tuesday, January 20, 2004, at 7:30 a.m., at the Campbell County Extension Center.

Judge Pendery then requested a report from the Fiscal Director. Mr. Seibert acknowledged for the record that the appropriate bonds are in place for the elected officials and employees for 2004.

Mr. Seibert next presented Resolution R-01-04, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution sets the rates for A.J. Jolly Golf Course for 2004. The rates will not be changed from the previous year's rates, at the recommendation of Golf Pro, Terry Jolly. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-01-04. 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. There being no further discussion, Commissioner Otto made a motion that the claims be approved and paid. Commissioner Verst seconded the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery then reported that on the whole, the readdressing program has done well. There were at least 6,000 address changes and several complaints were made by residents. He stated that mistakes had been made in a percentage of cases that would understandably make those residents upset. However, on balance, the program is an important one with the growth that will be coming to the community. He reiterated his apologies to anyone who has been inconvenienced by the program, and thanked everyone for their cooperation with the program.

There being no further business to come before the meeting, it was moved by Commissioner Rechtin, seconded by Commissioner Verst, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 8:54 p.m.

Attachments:

Ordinance O-01-04: Adoption of Supplement S-8 to Code of County Ordinances
Ordinance O-02-04: Modification of Animal Shelter/Animal Control Ordinances
Resolution R-01-04: A.J. Jolly Golf Course Rates
Claims: January 7, 2004
January 7, 2004 (Home Emergency Grant)

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Sandra L. Mulligan
Fiscal Court Clerk