



**CAMPBELL COUNTY, KY FISCAL COURT
MINUTES**

OCTOBER 6, 2021

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, October 6, 2021, 7:00 p.m. at the Campbell County Courthouse, 8352 East Main Street, Alexandria, Kentucky.

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY
COUNTY COMMISSIONERS
GEOFF BESECKER
TOM LAMPE
BRIAN PAINTER

County Attorney Steve Franzen,
County Administrator Matt Elberfeld,
Fiscal Court Clerk Paula Spicer,
Assistant County Administrator Kim Serra,
Finance Director/Treasurer Marie Schenkel,
Police Chief Craig Sorrell,
County Clerk Jim Luersen

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting. The meeting was also broadcast live on the Fiscal Court Facebook Page.

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present.

Judge Pendery requested a motion to approve the minutes from the Fiscal Court regular meeting of September 15, 2021. Motion was made by Commissioner Besecker, seconded by Commissioner Lampe to approve the minutes. All voted "Aye" and the motion passed.

Judge Pendery advised that there was one person who signed up to address the Fiscal Court on a matter other than voting machines. They will hear him first and then deal with one item of old business. They will have the voting machine conversation after that due to the number of people who signed in to talk about voting machines.

Judge Pendery then called on Richard Fryer to talk about Nagel Road speeding issues. Mr. Fryer would like to find out how he can file a complaint against the speeders on Nagel Road – he has the license numbers and speed readings from a radar gun and he would like to charge them with reckless driving and endangering ten families that are senior citizens. He appreciates the signs that the County put up on the road. Mr. Fryer gave Chief Sorrell and Judge Pendery a new CD and printed materials and asked that they look over the materials and get back to him.

Paula Spicer presented old business with a second reading of Ordinance O-15-21 by title. O-15-21 updates the official zoning map for unincorporated Campbell County to rezone approximately nine acres bordered by the AA Highway, Shortcut Road, Flagg Springs Pike and Kennedy Road, from Agricultural One (A-1) to Rural Commercial (RC). Commissioner Lampe made a motion to adopt O-15-21, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Judge Pendery announced that they would first hear from County Clerk Jim Luersen who handles the election process in Campbell County and his guest. Afterward, he will call on those who signed up to speak and allow questions.

Jim Luersen stated that he is requesting new voting machines pursuant to a federal mandate requiring that all voting equipment for the 2022 election have a paper ballot back-up. Since the mid-2000's two types of machines have been in use: (1) E-scan which is used by most people whereby they fill out the ballot and insert it in the machine, and (2) E-slate a handicapped accessible machine for those who are unable to fill out a paper ballot. The County is required by federal law to have one E-slate machine at each voting location. Mr. Luersen explained that the current E-slate machines cannot be used in the future because they do not produce a paper ballot. To comply with the new federal mandate the E-slate machines must be replaced with new ones that will print a paper ballot which is then fed into the E-scan machine. Unfortunately, the new E-slate machines are not compatible with the current E-scan machines necessitating the purchase of new E-scan machines. Additionally, the E-scan machines are at the end of their useful life, unreliable and it is becoming hard to get parts needed for repairs. To his knowledge, every county in Kentucky has gotten new voting equipment this year or last year. Federal money estimated at \$250,000 is available for purchases made this year; it will not be available next year. The new machines are estimated to cost in the low \$700,000's. HARP Industries of Lexington, Kentucky, who have provided/serviced Campbell County's voting equipment for over 25 years, was selected to provide the new equipment. The new machines are easier to use by voters and poll workers. Mr. Luersen stated that ballot-to-box voting is not the law in Kentucky. He must follow the state law, use specified equipment vetted by the federal government, State of Kentucky and office of technology.

Mr. Luersen then introduced Danny Crum of HARP Industries. Mr. Crum, a 20+ year employee of HARP, stated that HARP, located in Lexington, Kentucky has been in business for almost 40 years. He explained that Hart InterCivic of Austin, Texas is the manufacturer of the current voting equipment using technology that is 15+ years old and it is hard to find parts for repairs. Campbell County's current equipment is E-slate, E-scan and JVC, the new equipment will be called "Verity". The new equipment will allow handicapped voters to vote without assistance from another person and produce a paper trail that is scanned into a ballot box like other ballots. Mr. Crum stated that HARP no longer sells the E-slate machines which are being phased out. With the new equipment they will be able to pull out the paper ballots and count them if needed. Mr. Crum pointed out that HARP is a third-party source not associated with any government and has no interest in local, federal or state elections. Their job is to produce ballots and ensure that their customers have a smooth election. He explained the steps that HARP takes to set up for each election in collaboration with the Board of Elections and poll workers and the checks and balances in place during the election process. Mr. Crum reviewed the technical and security features on each machine. The new voting machines were in use in 18 counties in Kentucky

during the last primary and general election without issue. HARP serves 97 of Kentucky's 120 counties during elections. Mr. Crum stated that the new machines are more technologically advanced and secure than the machines currently in use by Campbell County. Mr. Luersen explained the process used at the end of the election day, how the vote totals are transmitted to Frankfort and the checks and balances in place. Judge Pendery talked about the accuracy of hand-counting paper ballots vs. electronic counts. Messrs. Luersen and Crum addressed questions from the audience.

Judge Pendery then began calling on the individuals who had signed in to speak regarding election machines. Geraldine Olson, Jessica Neal, Tammy Nolan, Kim Zimmerman, Jerry Gearding, Becky Baker, Terry Bell and Rebecca Swafford expressed concerns about voting integrity, questioned voting machine hacks, chain of custody, software, absentee and mail-in ballots, lack of confidence in voting machines, vote tabulations, role of HARP employees in election process, deadline for purchasing the machines and grant funds used to purchase machines. There were requests to table the purchase of the machines.

Judge Pendery stated that at the next election the current machines will not suffice and the County's choices are limited under the law to machines that have been vetted by the federal government and state. The Fiscal Court needs to decide and have the new machines before the next election. Mr. Luersen advised that there are only two companies certified in Kentucky to provide voting machines: Hart and ES&S. Judge Pendery is satisfied that the new machines will provide better service and security than the current machines. He also believes that Mr. Luersen has done his due diligence and that 97 of 120 counties are probably not wrong in choosing the machine that they did. He summarized with: we need new voting machines, there is going to be an election, the election is going to be safer, more convenient and more secure if we get new machines, we have a choice between two vendors and Mr. Luersen has picked the one he thinks is best. Everybody needs to be concerned about election integrity and try to improve the system. The best way to protect our citizens among the limited choices that we have under the law is to get new voting machines and to get the ones that Mr. Luersen has selected. Judge Pendery appreciates everybody's concern and their comments.

Judge Pendery then made a motion to purchase the voting machines as suggested by Mr. Luersen. Commissioner Besecker noted that there has been a lot of conversation at this meeting and there were some questions that Mr. Crum was unable to answer. He made a motion to table the purchase to the next meeting to get some answers. Mr. Franzen stated that there are two motions on the table. Somebody needs to second a motion or either motion will die for lack of a second. Commissioner Painter seconded Judge Pendery's motion to purchase the voting machines. He stated that Campbell County has a good history with the voting machines that they have. He recalled the 2010 election whereat the hand-counted ballots matched the tallies on the three machines that were opened. That incident shows that the machines were accurate then and probably more secure now, especially the E-slate machine. Based on the County's good history/relationship with this company, the recommendation of Mr. Luersen and Judge Pendery's analysis of the situation, he believes that this is the way to go.

Commissioner Lampe stated that this is the culmination of a very long detailed, thorough process. Throughout the process Mr. Luersen has done a phenomenal job. He thanked Mr. Crum for attending adding that the information he provided is not the first time he's heard it.

This does not discount his value at the meeting, but is a credit to Mr. Luersen for his due diligence and his commitment to keep the elected officials informed of the process. This decision was not made “on the fly”. There is a lot of effort from staff and Fiscal Court members that culminates in meetings like this. Mr. Luersen’s efforts were thorough, the machines have been evaluated, have been proven to be secure, are certified, and in use in 18 counties for two elections already. He thanked those that attended the meeting and those that spoke. The Fiscal Court received emails and text messages from the public and he appreciates the comments, opinions and concerns. He agrees that election integrity is of the utmost importance to him, Mr. Luersen and the Fiscal Court, it always was and always will be. A yes vote to get the newer technology machines is a vote for election integrity.

Judge Pendery stated that there is a motion and second on the floor and he called for a vote. Commissioners Lampe and Painter and Judge Pendery voted “Aye”, Commissioner Besecker voted “Nay” and the motion passed. There was no further comment on Commissioner Besecker’s motion to table, and the motion died for lack of a second.

Judge Pendery stated that the members of the Fiscal Court are available to anybody at any time. He talks to people on the phone, answers email and is happy to meet people for lunch to discuss things in more detail. He thanked everybody for attending the meeting. Judge Pendery announced a five-minute break at 9:23pm. The meeting was reconvened at 9:32pm.

New business was then presented beginning with a first reading of Ordinance O-16-21 by title. O-16-21 updates the official County Maintained Road list for Parkridge Drive and Dairybarn Lane. No vote was taken on the first reading of the ordinance.

Ordinance O-17-21 was presented for a first reading by title. O-17-21 updates the official County Maintained Road list to correct the County Road numbers for Birch Creek Road, Harlequin Court and Pondwoods Drive. No vote was taken on the first reading of the ordinance.

Resolution R-76-21 was read by title. R-76-21 authorizes the Judge/Executive to apply for 2022 Litter Abatement funding from the Kentucky Division of Waste Management. Commissioner Lampe made a motion to adopt R-76-21, seconded by Commissioner Besecker. All voted “Aye” and the motion passed.

Resolution R-77-21 was read by title. R-77-21 authorizes the Judge/Executive to execute an agreement with PCA Architecture for issuance of the Campbell County Jobs Development Program. Commissioner Besecker made a motion to adopt R-77-21, seconded by Judge Pendery. Commissioner Besecker thanked Justin Otto for his work with these companies to attract them to Campbell County. All voted “Aye” and the motion passed.

Resolution R-78-21 was read by title. R-78-21 authorizes the Judge/Executive to execute an agreement with Talent Magnet Institute for issuance of the Campbell County Jobs Development Program. Commissioner Besecker made a motion to adopt R-78-21, seconded by Judge Pendery. All voted “Aye” and the motion passed.

Resolution R-79-21 was read by title. R-79-21 approves Lucky Tree LLC for participation in the Campbell County Property Assessment and Reassessment Moratorium Program for the property

at 906 Monmouth Street, Newport, Kentucky. Commissioner Besecker made a motion to adopt R-79-21, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

Resolution R-80-21 was read by title. R-80-21 approves 614 Prosperity Place LLC for participation in the Campbell County Property Assessment and Reassessment Moratorium Program for the property at 605 Fairfield Avenue, Bellevue, Kentucky. Commissioner Besecker made a motion to adopt R-80-21, seconded by Judge Pendery. All voted “Aye” and the motion passed.

A motion was requested to proclaim October 19, 2021 as “Kentucky Women in Agriculture Day” in Campbell County. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted “Aye” and the motion passed.

A motion was requested to accept the resignation of Road Maintenance Specialist III Allan Kramer effective January 4, 2022. Motion was made by Judge Pendery, seconded by Commissioner Painter. Judge Pendery stated that both Mr. Kramer and Mr. Hancock served the County well and both are retiring. All voted “Aye” and the motion passed.

A motion was requested to accept the resignation of Road Maintenance Specialist III Lee Roy Hancock effective January 4, 2022. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

Judge Pendery then made a motion to authorize staff to advertise, interview and make a hiring recommendation for two Road Maintenance Specialists I to fill the vacancies created by the retirements of Messrs. Kramer and Hancock. Commissioner Painter seconded the motion. All voted “Aye” and the motion passed.

A motion was requested to reappoint Ashish Vaidya to the Tri-ED Board of Directors for a three-year term effective October 4, 2021 through October 2, 2024. Judge Pendery pointed out that Mr. Vaidya is the President of Northern Kentucky University. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted “Aye” and the motion passed.

A motion was requested to reappoint Johnna Reeder Kleymeyer to the Tri-ED Board of Directors for a three-year term effective October 8, 2021 through October 7, 2024. Motion was made by Judge Pendery, seconded by Commissioner Painter. Judge Pendery stated that Ms. Reeder Kleymeyer once headed economic development organization REDI Cincinnati and lives in Campbell County. All voted “Aye” and the motion passed.

A motion was requested to appoint Ken Lewis to the Northern Kentucky Convention and Visitors Commission to fill the unexpired term of John Ellison effective October 7, 2021 through July 31, 2022. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioner Lampe stated that Ken Lewis was one of the founders of the Party Source which he sold to his employees, and now owns New Riff Distillery with locations in Bellevue and Newport. This is a very good appointment to the Convention and Visitors Commission. All voted “Aye” and the motion passed.

The County Administrator and County Attorney had no reports for the meeting.

Commissioner Besecker thanked Marsha Dufleck, Senior Center staff and all who worked the day of and in preparation for the Senior Picnic. Unfortunately, he was unable to attend in the past due to his work schedule. His first picnic was rainy but the fun and excitement had by the Seniors was fantastic. It was a great day for his first picnic. He again thanked all of the staff that put on the picnic.

Commissioner Lampe stated that he had the privilege to represent the Fiscal Court on the Licking River Blue Water Trail Study – a study of the 122 mile stretch of the Licking River from Paris, Kentucky to the mouth of the Ohio River. The first in depth meeting recapped the results of a study of the existing conditions. A small motor boat equipped with a GoPro was used to take a photo every four minutes on the River. The different views of the Licking River were quite beautiful. He advised that there will be public meetings to accept input for ideas for the future to allow this to become a greater utilized recreation and tourist attraction. They will be looking for input from property owners, outdoors people and those who love to canoe, kayak and fish.

Commissioner Painter stated that he is still waiting for the final report and numbers from the Alexandria Fair; he expects to have it for the next meeting.

Judge Pendery made the following announcements:

1. The Campbell County Parks and Recreation will host the annual Spooktacular Halloween Event on Saturday, October 23rd from 12 PM to 3PM at AJ Jolly Park. More information is available on the County's website.
2. The Household Hazardous Waste Collection event will be held on Saturday, November 6, 2021 from 9AM to 2PM at UC Health Stadium, 7950 Freedom Way, Florence, KY. This event is free and open to residents of Boone, Campbell and Kenton Counties. Participants should visit www.nkyhhw.org for more information and to print and complete a registration form prior to attending the event.

Marie Schenkel presented the Finance Director/Treasurer's report by requesting a motion to authorize staff to seek bids for the construction of an addition to the Animal Shelter. The addition will replace the existing outdoor kennels on the parking lot side of the building with the goal of correcting flow in the building, containing illnesses and creating a better experience for adopters. Motion was made by Commissioner Besecker, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Resolution R-81-21 was read by title. R-81-21 authorizes the Judge/Executive to execute a contract with the Campbell County Board of Education for the provision of bus transportation of parochial school students in fiscal year 2022. Ms. Schenkel stated that the Board has requested \$271,540.76. In the past the Fiscal Court has been reimbursed by the State for about 94-100% of the cost. Commissioner Lampe made a motion to adopt R-81-21, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to approve interfund transfers dated September 30, 2021. Motion was made by Commissioner Painter, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to approve budget transfers dated September 30, 2021. Ms. Schenkel stated that the transfers don't increase the total size of the budget, but reallocate funds to different line items. Motion was made by Commissioner Painter, seconded by Judge Pendery. All voted "Aye" and the motion passed.

Ms. Schenkel then requested a motion to approve the claims and claims paid per standing order dated September 21, 22, 24, 29 and October 4 and 6, 2021 and employee benefit claims dated October 1, 2021. County Attorney Steve Franzen advised that he has reviewed the claims and claims paid per standing order and determined that they all appear appropriate. Commissioner Painter made a motion to approve the claims, seconded by Judge Pendery. Commissioner Lampe agreed with payment of the claims however, recused himself from approving any claims related to employee benefits due to his employer's relationship with those companies. All voted "Aye" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Painter made a motion to adjourn, seconded by Commissioner Besecker. All voted "Aye" and the meeting adjourned at 9:48 p.m.

Attachments:

Ordinance O-15-21 2nd Reading to Amend the Official Zoning Map
Ordinance O-16-21 1st Reading to amend the County Maintained Road List
Ordinance O-17-21 1st Reading to amend the County Maintained Road List
Resolution R-76-21 Litter Abatement Grant Application
Resolution R-77-21 Jobs Development Program Agreement – PCA Architecture
Resolution R-78-21 Jobs Development Program Agreement – Talent Magnet Institute
Resolution R-79-21 Property Assessment/Reassessment Moratorium – Lucky Tree LLC
Resolution R-80-21 Property Assessment/Reassessment Moratorium – 614 Prosperity Place LLC
Resolution R-81-21 Contract for School Bus Transportation
Interfund Transfers dated September 30, 2021
Budget Transfers dated September 30, 2021
Claims and Claims Paid Per Standing Order dated September 21, 22, 24, 29 and October 4 and 6, 2021 and Employee Benefits Claims dated October 1, 2021

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk