

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

NOVEMBER 7, 2018

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 7, 2018, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Steve Franzen
Matt Elberfeld
Paula Spicer
Chief Craig Sorrell
Frank Spataro

County Attorney
County Administrator
Fiscal Court Clerk
Campbell County Police Department
Human Resources Director

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting.

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 regular meeting of October 17, 2018 were presented. Motion was made by Commissioner Painter, seconded by Commissioner Lampe to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery called on John Fessler, who had signed in to speak about the resolution for the industrial revenue bonds for Continental Supply. Mr. Fessler, 224 East Second Street, Silver Grove acknowledged how much Continental has done for the City and their employees through payroll taxes. However, there are pending lawsuits against the City of Silver Grove filed by Continental. He does not think that it is proper for the County to issue tax-free revenue bonds for someone who is suing it. He is not opposed to issuing the revenue bonds, but not at this time; it should be tabled until the litigation is settled. Mr. Fessler stated that nobody has come to the Fiscal Court or the Planning and Zoning Commission from Silver Grove stating that they are in favor of this zone change. The Silver Grove City Council voted no on this issue two times. He wishes that the Fiscal Court would postpone this action until the litigation is resolved. Judge

Pendery appreciated Mr. Fessler's comments and stated that they would talk about this issue when the resolution comes up on the agenda.

There being no old business, Paula Spicer presented new business with Resolution R-96-18 by title and summary. R-96-18 authorizes the Judge/Executive to execute a contract with the Commonwealth of Kentucky, Division of Emergency Management to accept Emergency Management Assistance Grant Funds to support operation of the Campbell County Office of Emergency Management. Commissioner Painter made a motion to adopt R-96-18, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-93-18 was read by title and summary given. R-93-18 adopts the 2019 holiday schedule for Campbell County Fiscal Court employees. Commissioner Lampe stated that he had earlier mentioned that two dates on the sheet included in the packet need to be altered. He asked if they had been changed and was told that the correction was made. Commissioner Lampe then made a motion to adopt R-93-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Judge Pendery made a motion to appoint Ashley Tate to the position of Police Officer (PO1) with the Campbell County Police Department effective three weeks in advance of the start of the police academy, but in any event, no later than February 17, 2019, with compensation set at \$42,436 annually (\$20.4019 hourly) and annual benefits cost of \$41,912. The motion further authorizes Judge Pendery to execute a contract with Mr. Tate regarding the costs incurred with his training as a police officer. Commissioner Lampe seconded the motion. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Police Officer Everett Ross effective October 25, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Stephanie Turner, Planning & Zoning Administrative Assistant effective November 24, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire a Planning & Zoning Administrative Assistant to fill the vacancy created by the resignation of Stephanie Turner. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire a Building Inspector I to fill a vacancy created by the resignation of Greg Cole that was accepted previously. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Thomas A. Ramler to the Campbell County Police Force Merit Board for a four-year term effective November 8, 2018 through November 7, 2022. Mr. Ramler will fill the vacancy on the Board due to the expiration of term and resignation of Alvin

“Alex” Futscher. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed. Judge Pendery recognized Mr. Ramler in the audience. Mr. Ramler introduced his wife Sharon. Mr. Alex Futscher was also present.

Matt Elberfeld read Resolution R-95-18 by title and provided a summary. R-95-18 authorizes the County of Campbell, Kentucky to issue, sell and deliver, from time to time or at one time, one or more series or issues of its revenue bonds in an aggregate principal amount not to exceed \$12,000,000 pursuant to the provisions of the Kentucky Revised Statutes, Chapter 103, as amended, in order to make the proceeds thereof available to the Company (hereinafter defined) for the purpose of financing the cost of the acquisition, improvement, construction and installation of certain facilities at its plant located in the County; making certain findings required by the act; and authorizing certain other actions in connection with such revenue bonds. He explained that industrial revenue bonds are an economic development tool that lends the County’s tax-exempt status to a private issuer – in this case Continental Silver Grove. It is not an obligation to the County, it is not recorded in the financial statements, the County is not on the hook for repayment, it is just a conduit for the transaction. These bonds can only be used for machinery and equipment that relates to solid waste disposal and recycling of the gypsum in the existing plant. The proceeds will not be used to finance or pay for any outside construction that is part of the litigation related to the zone change. Continental has no intention, nor are they legally allowed to use the proceeds for anything subject to the Planning and Zoning litigation. The bonds are unrelated to the issues that are in litigation. Mr. Elberfeld recommends that the Fiscal Court approve this resolution. He recalled that the Fiscal Court passed an inducement resolution for this issue about a year ago. The delay in issuing the bonds is due to a change in the federal tax law and the company was not sure it would go through with the transaction. As new details of the tax law were worked through with the IRS and federal administration the transaction is back on the table. Mr. Elberfeld advised that Richard Spoor, bond counsel, as well as, a representative of Continental are present to answer questions. Judge Pendery stated that as a conduit, the Fiscal Court would not do this if it didn’t understand that it was appropriate in the eyes of the City of Silver Grove to proceed. Judge Pendery then made a motion to adopt R-95-18, seconded by Commissioner Lampe.

Commissioner Coleman asked Mr. Spoor if the information provided is correct. Mr. Spoor replied that generally it is correct. Mr. Spoor explained that the tax being exempted is related to federal income tax derived on the interest borne by the bondholder. In essence, it allows local government to preserve the taxing and lending power that they historically had. In this instance the bond buyer is PNC Bank. Commissioner Coleman asked if the money would be used for machinery. Mr. Spoor stated that it could only be used for machinery. Under the federal code this is known as a private activity bond which generally is not afforded tax exempt status unless it fits certain criteria and exemptions in the code and this use does meet the criteria. Commissioner Coleman asked Mr. Elberfeld if this has anything to do with why the Fesslers’ are present. Mr. Elberfeld didn’t want to speak for them. Commissioner Coleman stated that he thought that the Fesslers’ concern is about the addition to the plant. Mr. Fessler stated that the litigation is about the zone change. He has no problem with issuing the revenue bonds but he would prefer they wait until the litigation is resolved. Mr. Elberfeld stated that the use of the proceeds is unrelated to the litigation. Mr. Fessler stated that it was not described that way at the public hearing held in the beginning of the year. Commissioner Painter asked if this equipment

is purchased, would they operate in their existing footprint. Mr. Elberfeld stated that that is his understanding – it would be installed in the existing plant. Mr. Spoor stated that the equipment being purchased could only be used inside the existing plant. Judge Pendery called for a vote on R-95-18. All voted “AYE” and the motion passed.

Commissioner Coleman stated that Chief Pohlman of the Alexandria Fire Department asked him why the Fire Department gets a 911 bill. Mr. Elberfeld explained that emergency calls go to dispatch. When the ordinance was first enacted, the Fiscal Court looked at what entities were paying a landline fee and the Fire Department would have paid the landline fee. This is a fee not a tax, so the Department’s tax-exempt status does not apply. The Fiscal Court pays the fee for its own buildings. Commissioner Coleman stated that if there was an accident in the County’s buildings, they would call 911 and an ambulance would respond. If they are right in the firehouse, they are already there. Mr. Elberfeld stated that an emergency call would be called into dispatch to have the police respond or hazmat if needed. He offered to call Chief Pohlman and explain it. Commissioner Coleman asked Mr. Elberfeld to call the Chief. Mr. Elberfeld stated that he would see Chief Pohlman tomorrow.

Commissioner Lampe thanked the residents who exercised their right to vote yesterday. He appreciates the opportunity to continue serving as their Commissioner.

Judge Pendery announced that the time of the November 21, 2018 Fiscal Court meeting has been changed from 5:30pm to 10:00am due to the Thanksgiving holiday.

Mr. Elberfeld requested a motion to accept the bid of Prus Construction for the repair of Rifle Range Road Bridge in the amount of \$81,350. Prus was the low bidder on this project. Staff has applied to the Kentucky Transportation Cabinet for 80/20 funding for bridge repairs which means that the State will reimburse the County for 80% of the repair costs. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. Commissioner Coleman asked if the bids were the same for everybody that bids? Mr. Elberfeld replied that they are the same. The engineer puts the bid packets together and everybody has the same information – specs, construction drawings, everything. All voted “AYE” and the motion passed.

Resolution R-94-18 was read by title and summary given. R-94-18 declares certain County-owned personal property as surplus and authorizes the County Finance Director to sell or otherwise dispose of such property. Judge Pendery made a motion to adopt R-94-18, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims as presented for November 7, 2018. County Attorney Steve Franzen stated that he has reviewed the claims and they appear to be appropriate. Commissioner Lampe made a motion to approve the claims, seconded by Commissioner Painter. Commissioner Coleman noted that there are some claims for storm water. Mr. Franzen stated that there are storm water bills but nothing to indicate that they are for A J Jolly Park. Commissioner Coleman stated that Jolly has been taken out of the storm water. Mr. Elberfeld agreed that those parcels have been removed from paying the storm water fee. Commissioner Coleman asked about other parks – Pendery and Morscher. Mr. Elberfeld asked for the check number of the claims in question and noted that one is for the Alexandria

Courthouse. Mr. Franzen stated that there are five bills that he is unsure of. He read the numbers and said that his notes say “park facilities”. Commissioner Coleman stated that Mike Braun told him that they dug a ditch so that the storm water goes into the river, so he doesn’t know why they should pay SD1 anything. He further stated that he wants to go on record that he objects to paying SD1 for storm water service when they do not provide a service. All voted “AYE” and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Lampe made a motion to adjourn, seconded by Commissioner Painter. All voted “AYE” and the meeting adjourned at 7:27 p.m.

Attachments:

Resolution R-96-18 Contract with KY Division of Emergency Management
Resolution R-93-18 Adopt 2019 Schedule of Employee Holidays
Resolution R-95-18 Issuance of Industrial Revenue Bonds
Resolution R-94-18 Disposal of Surplus Property
Claims Dated November 7, 2018

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk