

CAMPBELL COUNTY FISCAL COURT MINUTES

MARCH 21, 2018

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, March 21, 2018 at 5:30p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Cable Access was present to film the public hearing and meeting.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:30 p.m. to receive public comment on the Campbell County Department of Housing Annual Agency Plan. Present at the hearing were:

Charlie Coleman, County Commissioner
Tom Lampe, County Commissioner
Brian Painter, County Commissioner
Steve Franzen, County Attorney
Matt Elberfeld, County Administrator
Paula Spicer, Fiscal Court Clerk
Kim Serra, Assistant County Administrator
Marie Schenkel, Finance Director
Colonel Craig Sorrell, Police Chief
Frank Spataro, Human Resources Director
Sarah Collins, Director of Housing

Matt Elberfeld advised that Judge Pendery was in route to the meeting. He then called to order the public hearing for the Housing Annual Agency Plan. Sarah Collins advised that the US Department of Housing and Urban Development (HUD) mandates that Housing Authorities complete an annual plan on forms provided by it. The plan has been available for inspection in the Housing Department office since January 30 and online since January 31. The plan is due to HUD 75 days prior to July 1, 2018 after being available to the public for 45 days. Ms. Collins then outlined other requirements that were met and described revisions that were made since last year's plan. Campbell County currently has 773 housing vouchers, 32 of which are veterans' affairs supportive housing vouchers. They have been awarded 5 more vouchers for veterans bringing the total number of vouchers to 778. Campbell County's jurisdiction is all of Campbell and Pendleton Counties except for the City of Newport and the payment standards are set at 110% of HUD fair market rents. She described new activities and goals reported in the plan. There being no questions or comments, the public hearing was closed at 5:38p.m.

The regular meeting was called to order at 5:38 p.m. by Judge Pendery.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Steve Franzen	County Attorney
Matt Elberfeld	County Administrator
Kim Serra	Assistant County Administrator
Paula Spicer	Fiscal Court Clerk
Marie Schenkel	Finance Director
Colonel Craig Sorrell	Police Chief
Frank Spataro	Human Resources Director
Sarah Collins	Director of Housing

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 March 7, 2018 were presented. Commissioner Lampe made a motion to adopt the minutes, seconded by Commissioner Painter. Commissioner Coleman asked for a clarification of the minutes. He asked if the County applied for the block grant. Mr. Elberfeld explained that the County officially applies for it and the money goes to the underlying agency; the government must be the applicant. Commissioner Coleman stated that the minutes say that the "Fiscal Court did not apply". He just wanted clarification. Mr. Elberfeld agreed. All voted "AYE" and the motion passed.

Judge Pendery administered the Oath of Office to Police Officer Amanda Lindle. Officer Lindle's mother pinned on her badge. Judge Pendery congratulated Officer Lindle wishing her a safe, happy and productive career. Officer Lindle introduced the members of her family that were present.

Judge Pendery then called on Andy Yeager, Transportation Engineer Supervisor, Kentucky Transportation Cabinet District 6 to present the recommendations for Rural Secondary Road Program funds for Fiscal Year 2018-2019. Mr. Yeager introduced Rob Allender, District 6 Superintendent for Campbell County who was present. He then advised that Campbell County's allotment for FY19 is just under \$680,000, with about \$206,000 allotted for routine maintenance and traffic and a 20% set aside for Flex Funds at just under \$136,000. After deducting County Administrative expenses, that leaves \$333,000 plus \$186,000 left from last year for a total of just under \$520,000 for projects. There are 43.164 miles of roadway in the Rural Secondary System in Campbell County. Mr. Yeager then listed the recommended projects: resurfacing and pipe replacements on the middle section of Kenton Station Road from Lees Road to KY536 at \$163,000, a slide repair project on Stonehouse Road 0.3 miles south of KY547 at \$151,000 and

repaving Racetrack Road from US27 to KY1121 at \$212,000. He advised that typically projects come in under budget. If the County chooses not to use Flex Funds on a County road, he recommends another slide repair on Stonehouse Road. Judge Pendery stated that the recommendations will be reviewed with Luke Mantle, Road Supervisor and he will notify District 6. Mr. Yeager stated that he will just need a copy of the resolution and the meeting minutes approving the recommendations.

Finding that nobody has signed in to address the Fiscal Court, Judge Pendery proceeded with the agenda.

Paula Spicer presented old business with Ordinance O-02-18 by title for a second reading. O-02-18 creates an Energy Project Assessment District (EPAD) within the County pursuant to the provisions of KRS 65.205-209 and establishes a program to advance conservation and efficient use of energy and water resources. Judge Pendery advised that Roger Peterman was present to answer any questions. Mr. Peterman introduced Jerry Schmitz, CEO of Energize Kentucky an affiliate of Greater Cincinnati Energy Alliance, and Jim Parsons. He explained that this is an unusual program that requires public approval but it is an entirely private transaction. Along with creating the District, a program must be established to take advantage of what a District can do. The entire County is in the District. The General Assembly adopted this program a couple years ago to encourage efficiency. Mr. Peterman stated that this is more like an economic development tool. The loans made by private lenders to private corporations/companies (the County is not involved in lending processes) are secured by assessments on the property. The assessment is used to secure the loan. He stated that lenders look at these as secure loans because they have priority over other liens on the property. Assessments cannot be accelerated, they must be paid every year when due. Mr. Peterman explained that O-02-18 also authorizes the Judge/Executive to enter into an agreement with Energize Kentucky to administer the program. Energize Kentucky will identify projects and connect the project developer with a lender for a loan. Each project must then be approved by the Fiscal Court. Each outstanding lien holder must consent to the assessment. Borrowers will make assessment payments directly to the lender. The County is not involved or responsible except that the assessment payment notice must be included with the tax bill as required by statute. Commissioner Painter asked how the program works for a nonprofit that has already done an energy upgrade; is there a way to go back and get value out of it. Mr. Peterman advised that if the agency has already secured financing for the project they would not be eligible, however if it has not secured financing, it could apply for a fixed rate loan tied to the assessment for up to 20 years. Commissioner Lampe asked Mr. Schmitz how property owners/developers will be made aware of this program. Mr. Schmitz replied that Energize Kentucky offers training for contractors and local municipalities, and have created a Kentucky EPAD handbook. Mr. Parsons added that the 5th and Main Streets project in Covington used PACE financing and worked with Energize Kentucky. Cities can adopt this program, however he thinks it is better to have it countywide. There is no risk to the County; everything is handled by the administrator. Mr. Peterman added that the City of Newport has already adopted the program, and they are happy that the County is also adopting it. Commissioner Lampe made a motion to adopt O-02-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

New business was then presented with Resolution R-18-18 by title and summary. R-18-18 adopts the Annual Agency Plan for the Department of Housing. Commissioner Painter made a motion to adopt R-18-18, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Ordinance O-03-18 was presented by title for a first reading. O-03-18 amends Chapter 73 "Traffic Schedules" of the Campbell County Code of Ordinances to add a stop sign on Labardor Lane at Pintail Court. Judge Pendery stated that this will create a 3-way stop at this intersection where there have been speeding issues. A resident requested that something be done to slow the traffic. No vote was taken on this first reading.

A motion was requested to declare April 6, 2018 as Arbor Day in Campbell County, Kentucky upon the request of the Kentucky Division of Forestry. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to declare April 2018 as Child Abuse Prevention Month in Campbell County, as requested by the Family Nurturing Center. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to set the annual compensation for Campbell County Commissioners at \$39,322.06 effective January 1, 2018 as calculated by the Kentucky Department of Local Government. Judge Pendery advised that this is a 2.1% increase based on the Consumer Price Index from last year. The increase is less than the staff increase of 3%, but equal to that of other elected officials whose salaries are set by the State. Motion was made by Judge Pendery, seconded by Commissioner Painter. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

A motion was requested to set the annual compensation for the Campbell County Coroner at \$51,852.30 effective January 1, 2018 as calculated by the Kentucky Department of Local Government. Judge Pendery stated that this is calculated the same as the Commissioners' compensation. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Bradley Mattill from Road Maintenance Specialist II (\$24.56/hour or \$51,074.82 annually) to Level III (\$27.10/hour or \$56,366.54 annually) effective March 26, 2018 in accordance with the current AFSCME working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Hailey Mueller to the part-time position of Kennel Technician at the Animal Shelter effective March 22, 2018 with compensation set at Pay Grade 10, \$13.25/hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Judge Pendery stated that this appointment fills a vacant position. The Fiscal Court had previously hired somebody for the position but the person did not come to work. This is a part-time position with no benefits. All voted "AYE" and the motion passed.

A motion was requested to appoint Cody Chism, Sam Murrell and Jacob Sendelbach as seasonal Parks & Recreation Maintenance Workers at an hourly rate of \$11.10, effective March 22, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Hannah DeJarnett, Amanda Herald, Barb Schadler and Teesha Straman as seasonal Park Rangers effective March 22, 2018 at an hourly rate of \$10.70. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Tony Rapp to the seasonal position of A J Jolly Concession Manager effective March 22, 2018 with compensation set a Pay Grade 10, \$14.25/hour. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint James Riddle to the part-time position of Clubhouse Maintenance Worker effective March 22, 2018 with compensation set at Pay Grade 9, \$11.10/hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Joseph Ampfer to the position of part-time Golf Cashier/Clerk effective March 22, 2018 with compensation set at Pay Grade 9, \$11.10/hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Kenneth Kramer and David Miller to the position of part-time Golf Starter effective March 22, 2018 with compensation set at Pay Grade 9, \$11.10/hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Micah Myers, Homer Jack and Paul Moran as seasonal Golf Course Maintenance Workers effective March 22, 2018 with compensation set at \$11.10/hour. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Zachary L. Vance 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 May 13, 2018, with compensation set at PO1 (\$41,294.80 annually or \$19.8077/hour) and annual benefit costs of \$27,340. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Chief Sorrell advised that they are trying to get Mr. Vance in an earlier Police Academy in April. All voted "AYE" and the motion passed. Judge Pendery pointed out that Zachary Vance is Terry Vance's, Wilder City Administrator, son; Mr. Vance has two other children who are also police officers.

A motion was requested to rescind the resignation of Ashley Murray and to allow her to resume her employment as a Human Resources Specialist effective March 22, 2018 with compensation

set at Pay Grade 13, \$24.91/hour, which was the effective pay rate at the time of her resignation. It was further requested that Ms. Murray's approximate one-month gap in employment be considered a leave without pay, thus having no adverse impact on her seniority date and benefit eligibility including insurance and leave accruals. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Jennifer Heiert to the part-time position of Information Technology Technician in the IT Department effective March 22, 2018 with compensation set at Pay Grade 10, \$13.25/hour. Motion was made by Judge Pendery seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to reappoint the following to the Campbell County Board of Adjustments for a four-year term: Scott Bachmann effective March 3, 2018 through March 2, 2022 and Justin M. Verst effective January 4, 2018 through January 2, 2022. Motion was made by Judge Pendery seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to reappoint Ed Stubbs to the Campbell County and Municipal Planning and Zoning Commission for a four-year term effective March 3, 2018 through March 2, 2022. Motion was made by Judge Pendery seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Matt Elberfeld as Judge Pendery's alternate on the Northern Kentucky Port Authority Board of Directors effective March 22, 2018. Motion was made by Judge Pendery seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Matt Elberfeld requested that the Fiscal Court meet in Executive Session pursuant to KRS 61.81(1)(c) discussions of proposed or pending litigation against or on behalf of the public agency. He further requested that they meet in the middle of the regular meeting as the discussion may require action being taken by the Fiscal Court. Mr. Franzen suggested that they finish the regular business then meet in Executive Session and take any action needed. Commissioner Painter made a motion to meet in Executive Session, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Commissioner Coleman asked about the lawsuit filed against the Ethics Commission. He understands that there was an additional claim of ultra vires. Mr. Franzen stated that it means someone is acting outside the scope of their authority, but he is not sure what Commissioner Coleman is referring to. Commissioner Coleman asked why that was added to the lawsuit. Mr. Franzen asked who added it to the lawsuit. Mr. Elberfeld stated that he will ask Mr. Mando about it. Commissioner Coleman's understanding is that Judge Zalla found that to be the case, and that the members of the Ethics Commission could then be sued personally and lose their personal assets. Mr. Franzen stated that that is true theoretically. Commissioner Coleman stated that that is a heck of a thing that citizens serving on a board could get sued and possibly lose their personal assets. Citizens who volunteer to be part of the government and show interest in it should not be put in jeopardy where they could lose personal assets. He objects to it and would like the minutes to reflect that. Mr. Elberfeld stated that he will talk to Mr. Mando and advise the Fiscal Court.

Judge Pendery announced that the Easter Eggstravaganza will be held on Thursday, March 29, 2018 from 5-7pm at Pendery Park. The event is free for children ages 0 to 10 years old. He listed the times for the egg hunts by age group.

Judge Pendery announced that a Quarter Auction to benefit the Campbell County Animal Shelter will be held on April 5, 2018 at 7pm in the lower level of the Wilder City Building at 520 Licking Pike. Northern Kentucky Women in Network and Sharing (NKYWINS) will host the Auction. The cost is \$5 at the door. Doors open at 6pm.

Judge Pendery announced that the first annual Tails & Trails 5K to benefit the Campbell County Animal Shelter will be held at A.J. Jolly Park on Sunday, April 22 with race beginning at 9am. Registration fee is \$30 which includes an event t-shirt. Participants must preregister online. More information about the two Animal Shelter events can be found at the County's website or on Facebook.

Judge Pendery announced that the Campbell County Spring 2018 Clean Up will be held on April 13 and 14 from 8am to 5pm at three locations: Campbell County Police Department, Pendery Park and the Campbell County Transportation Center. Not all locations accept the same items. More information is available on the County's website.

After discussion, it was determined to hold the Executive Session just prior to voting to approve payment of claims.

Referring to the proclamation for Child Abuse Awareness Month, Steve Franzen stated that child abuse does not just happen elsewhere. His office processes about 400-450 child related offenses every month, about 350 are child abuse or neglect cases. It is a serious problem, not just in other communities but in our community too.

Marie Schenkel presented the Finance Department report by requesting a motion to accept the low bids of Mago Construction for resurfacing of Baynum Hill in the amount of \$30,745 and for resurfacing of Kohls Road in the amount of \$30,745. Both projects are included in the fiscal year 2018 budget. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for proposals to upgrade the audio-video components in the Fiscal Court Chambers to improve quality, functionality and capability of the equipment. The current equipment was installed when the building was built and is about 10 years old. The IT Department would like to look at replacing it. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for proposals to redesign the County's website which was designed almost 10 years ago. The current system has had upgrade issues and the inability to keep the site upgraded has resulted in security vulnerabilities. Motion was made by Commissioner Lampe, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-19-18 was read by title and summary given. R-19-18 authorizes the Judge/Executive to execute a Support Service Contract with Global Business Solutions, Inc. for a one-year term effective April 1, 2018. Ms. Schenkel explained that Global Business Solutions is the current service provider. The cost of \$1,350 per month is not increasing and staff has been satisfied with the services provided. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioner Coleman asked if this service was put out for bid. Mr. Elberfeld stated that this is a renewal of an existing agreement. Commissioner Coleman then asked how often it is bid. Mr. Elberfeld replied that he would find out and let him know. Commissioner Painter stated that this might be one of the most cost savings things that the Fiscal Court approves. He read an article about large municipalities being cyber-attacked with ransomware. Governments need to have the best training and backups, and monitor sites where hackers can get in. Several counties have had to pay large ransomware demands. It is important to keep up with technology upgrades. Commissioner Coleman stated that he is not opposed to it, but just wondered about bids; it does not hurt to see what other companies would charge. All voted "AYE" and the motion passed.

A motion was requested to approve budget transfers as presented for March 21, 2018. Ms. Schenkel explained that the transfers do not change the overall budget they only reallocate certain funds. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Judge Pendery announced that the Fiscal Court would meet in Executive Session pursuant to motion previously made. He stated that they may take action when they come back. The Fiscal Court convened in Executive Session at 6:35pm.

Commissioner Painter made a motion to adjourn the Executive Session and meet in regular session at 6:53pm. Commissioner Lampe seconded the motion. All voted "AYE" and the motion passed.

Mr. Elberfeld read Resolution R-20-18 by title. R-20-18 authorizes the Judge/Executive to execute a change order and final pay application to the contract with Perkins Carmack Construction for construction of the Campbell County Detention Center. Judge Pendery made a motion to adopt R-20-18 stating that the reason for the Executive Session was that they either bring the project to a conclusion and pay the bills or file a lawsuit; he is happy with what they have at this point. Commissioner Painter seconded the motion. All voted "AYE" and the motion passed.

Ms. Schenkel then requested a motion to approve the claims and supplemental claims as presented for March 21, 2018. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Commissioner Painter made a motion to approve the claims and supplemental claims stating that this includes the final payment to the jail contractor, seconded by Commissioner Lampe. Commissioner Coleman asked if the Fiscal Court had bought a set of drums. Mr. Franzen stated that the drums are rented for festivals at the park. Ms. Serra added that it is too difficult for each performer to move the drum kit, so they rent one set of drums for the entire event. 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 6:56 pm

Attachments:

Ordinance O-02-18 Energy Project Assessment District
Resolution R-18-18 Adopt Housing Department Annual Agency Plan
Ordinance O-03-18 Amend Traffic Schedules-Stop Signs
Resolution R-19-18 Support Service Contract
Resolution R-20-18 Approve Change Order and Final Pay for Jail Construction Project
Budget Transfers Dated March 21, 2018
Claims and Supplemental Claims Dated March 21, 2018

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk