

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

MARCH 1, 2017

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, March 1, 2017, 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	County Attorney
Matt Elberfeld	County Administrator
Kim Serra	Assistant County Administrator
Marie Schenkel	Finance Director
Paula Spicer	Fiscal Court Clerk
Frank Spataro	Human Resources Director
Colonel Craig Sorrell	Campbell County Police Department

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 February 15, 2017 and Mayors' meeting of January 24, 2017 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 Chief Craig Sorrell, Campbell County Police Department to present his 2016 Annual Report. Chief Sorrell stated that one thing that he did in the past year is try to work on development and leadership by placing more expectations on the Sergeants in the Department. He talked about the new Police Explorer program started by Detective Dornheggen, the Care Crises Assistant Response Effort initiative where officers follow up with individuals after responding to calls and the electronic crimes unit headed by Detective Kush. Chief Sorrell stated that in 2016 the Department started providing police service to the City of Silver Grove. He presented and explained statistics on Part I crimes, citations, arrests, collisions and Part II crimes. He stated that one of the significant initiatives was the creation of Police

Chaplain position. Chief Sorrell named the members of the Police Force Merit Board and the Volunteer in Police Service (VIPS) and acknowledged their contributions to the Police Department. He acknowledged the retirement of Lt. Col. Todd Straman after 31 years of service, and the officers that received enforcement commendations and Fit for Duty. Finally, he showed photos of various community events that the officers participated in throughout the year. Commissioner Painter pointed out that some members of the Police Department volunteered at an Animal Shelter fundraiser. He asked that Chief Sorrell expand on the increase in the number of calls for service. Chief Sorrell stated that the numbers don't imply that there is an increase in crime, but that the officers perform a lot of self-initiated calls. Commissioner Painter stated that he appreciates the officers' participation and involvement with the community. Judge Pendery acknowledged that Neal Bedel, Mayor of Silver Grove was in attendance. Commissioner Lampe made a motion to receive and file the 2016 Annual Report of the Police Department, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Judge Pendery invited Lloyd Rogers to address the Fiscal Court. Mr. Rogers stated that every 22 minutes a veteran commits suicide. He talked about some personal experiences that he has had with veterans and families of veterans who have attempted or committed suicide. He is attempting to spread the word that Congressman Massie's office has a person who can assist veterans by putting the phone number in newsletters and bulletins. After performing a study of the local VA facility and other work he's done, he has come to the conclusion that the VA is not doing its job. He suggested that oversight officers be appointed to report directly to the VA Secretary about VA facilities. He gave his address and invited referrals if anybody knows of a veteran that has an emergency.

Seeing that there were no one else had signed up to speak, Judge Pendery proceeded with the agenda.

Paula Spicer presented old business with a second reading of Ordinance O-02-17 by title and summary. O-02-17 amends Chapter 73 "Traffic Schedules" of the Campbell County Code of Ordinances to modify traffic on Reitman Road, Shadowlawn Drive, Hearthstone Court and Richland Lane. Commissioner Lampe made a motion to adopt O-02-17, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

New business was presented beginning with Resolution R-14-17 by title and summary. R-14-17 accepts the Kentucky Highway Department's recommendations for the Fiscal Year 2017-2018 Rural Secondary Road Program and approving submission for flex funds. Commissioner Painter made a motion to adopt R-14-17, seconded by Judge Pendery. Commissioner Painter requested that the roads be named so that the community is aware of the projects to be done. Ms. Spicer listed the three projects: replacement of pipe on Pond Creek Road (KY 1936) from Wolf Road to KY 536, resurfacing of that same section of Pond Creek Road and resurfacing of Clay Ridge/Kenton Station Road (KY 1936) from US 27 to Lees Road. All voted "AYE" and the motion passed.

Ordinance O-03-17 was read by title and summary given. O-03-17 amends Chapter 73 "Traffic Schedules" of the Campbell County Code of Ordinances to add a stop sign on Ten Mile Road at Fender Road and to delete duplicative listing of a stop sign on Ten Mile Road at KY 1997.

Commissioner Painter asked if there is currently a stop sign at Ten Mile and Fender Road. Mr. Elberfeld stated that there is a stop sign but it is on the wrong side of the street. The road Supervisor recommends this action to bring the code up-to-date with current practices. No vote was taken on the first reading of this ordinance.

Resolution R-15-17 was read by title and summary given. R-15-17 updates the Campbell County organizational chart, authorizes corresponding amendments to the Administrative Code and updates the applicable position description to provide that the Facilities and Fleet Director shall report to the Assistant County Administrator. Judge Pendery made a motion to adopt R-15-17, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Jared Reinecke to the full-time position of Information Technology Specialist in the Information Technology Department effective March 20, 2017 with compensation set at Pay Grade 15, \$42,540 annually with total annual benefit cost of \$15,037. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint Daniel Ottaway to the full-time position of HVAC Technician in the Facilities and Fleet Maintenance Department effective April 2, 2017 with compensation set at Pay Grade 14, \$45,000 annually with total annual benefit cost of \$15,684. Motion was made by Judge Pendery, seconded by Commissioner Painter. Judge Pendery stated that this position was discussed at a previous meeting and they hope that it will save some money. Commissioner Coleman stated that at the January 18 meeting he had questioned whether or not there was a need for this position. At that time, he had asked how much was spent on HVAC services, but nobody could give an answer. He questioned why the position was being created if it is unknown whether the position is needed. At that time he stated that it was a good idea if it would save the taxpayers money. His understanding of the motion was that the position would be created and only be filled if needed. Referring to the meeting minutes he stated that the position would be created, but there was never anything that they would interview and hire somebody. Based on the figure that has been given it does seem like a good idea, however he has some questions. Commissioner Coleman stated that two weeks later at a Friday meeting he heard Kim tell Jim Daley that the County was hiring an HVAC person and she would give him the applications of those not hired. He did not know they were going to hire somebody, just see if there was a need. He read a portion of the minutes quoting Judge Pendery as saying that this resolution simply approves a job description – it didn't say that we would advertise and hire somebody. He further asked if there was somebody in mind for the job and if it was a done deal. Two weeks later he found out that somebody had already been interviewed and hired. Ms. Serra stated that the position would not have been posted if it had not been approved. She further stated that there were a number of applicants that did not meet the minimum qualifications and were not interviewed. She offered to share those applications with the Detention Center who was looking for a general maintenance person; she knew at that time who was not being interviewed, but not who was being hired. She believes that the job offer was made after the subject Friday meeting. Commissioner Coleman stated that he gets it and has no problem with it. His point is that he questioned at the meeting and the minutes reflect that nobody was being hired, the position was just being created. He would like to have been informed, but he wasn't. Ms. Serra explained that the HVAC position was created because a Maintenance Technician is

retiring. Commissioner Coleman stated that the minutes reflect that he said that was a pretty good idea. Ms. Serra stated that between the meetings, the position was posted, interviews conducted and the analysis was done as to whether money could be saved based on the applicant pool. She explained the analysis process. Judge Pendery stated that typically the Fiscal Court approves a job classification and then adopts a motion to advertise, interview and hire all in the same meeting. He may have explained that the resolution was not to advertise, interview and hire, but that did not mean that later in the same meeting there would not be such a motion and it appears that is what happened. Commissioner Coleman stated it is not reflected in the minutes that way. Judge Pendery referred to the paragraph below the one quoted by Commissioner Coleman. Mr. Elberfeld read the paragraph containing the motion to authorized staff to advertise, accept applications and interview to fill the position. Commissioner Coleman understood, but his impression was that it was not going to be done that quickly. That the position was going to be created, see if there was a need, and staff is saying that there is. He had said that it is a pretty good idea if the numbers are correct. How do they know that they'll save 50% of \$38,000? Mr. Elberfeld explained that that is the estimate based on the amount of work that was done by DeBra-Kuemple. Mr. Ottaway has the skills to perform preventative maintenance and diagnostic work; they will still need a contractor for complicated repairs, but overall, bills will be reduced. Commissioner Coleman stated that it sounds like a pretty good idea, but he thought that they went through it pretty rapidly, and he would have liked to have known about it. Judge Pendery stated that it appears that they followed the proper formalities. Ms. Serra stated that Mr. Ottaway's first interview was on February 9; he was interviewed twice before any decision was made to hire. All voted "AYE" and the motion passed.

A motion was requested to appoint Lisa Jolly to the seasonal position of A J Jolly Concession Manager at an hourly rate of \$13.67 effective March 2, 2017. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Judge Pendery stated that because Ms. Jolly meets the definition of "immediate family" as set forth in Section 35.01 of the County Code of Ordinances the Campbell County Ethics Commission must be notified of the hiring. Ms. Jolly has worked for the County in various capacities since 1987. Under the Ethics Code, notice must be given to a panel that is set up for this purpose. Commissioner Coleman read from a memo that "while Ms. Jolly served in the position, her employment was terminated at the end of the 2016 season. She applied and was selected for the 2017 season". He asked who selected her. Mr. Elberfeld stated that it was Terry Jolly. Commissioner Coleman asked Mr. Franzen if this meets the nepotism policy. Mr. Franzen stated that the code does not prohibit the hiring of relatives, it requires that they be treated the same as any other applicants. Commissioner Coleman then asked for clarification of Section 840 of the Administrative Code. Mr. Franzen stated that he read the nepotism ordinance. Commissioner Coleman read a portion of Section 840. Mr. Franzen stated that if he had known in advance, he could have looked at the section Commissioner Coleman referred to. He read a portion of the nepotism ordinance. He again stated that if he had known in advance he would have been prepared to discuss it. He wondered if Commissioner Coleman was looking at some of the previously proposed changes to the Ethics Code. Commissioner Coleman stated that he is reading from the Administrative Code. The proposed changes to the Ethics Code were pulled from the agenda about a year ago by Commissioner Painter for further review and were never brought back to the Fiscal Court. He did get a copy of the changes from Ken Moellman who was on the Ethics Commission at the time. Mr. Franzen reiterated that if he knew in advance he could have been prepared to discuss

the issue. Judge Pendery stated that the reason this comes up annually, is that many of the golf course jobs are part time and rather than continuous employment they are not exactly discharged, the season simply comes to an end. This has been dealt with for years. He agrees with the County Attorney that this is something that can be discussed off-line and can be resolved off-line. Commissioner Lampe asked how Human Resources was involved with this process. Mr. Spataro explained that a notice was sent to Department Heads advising that seasonal employees who had applied to return to their seasonal jobs were not required to be interviewed; this applied to golf course, golf maintenance and facilities maintenance positions. If interviews were required, either he or his staff member participated in the interviews. He further stated that in the case of seasonal jobs and part-timers whose employment was not terminated, they could submit applications for the jobs they wanted to return to. New employees were interviewed with him or his staff present. He stated Ms. Jolly has been in this position since 1987. There were no other applicants for this position, it was posted with all of the other positions, and background checks were done on everybody even if they were returning employees. Mr. Franzen stated that he can take a look at what has been brought up and if he feels there is a conflict he'll let them know. The ordinance that he is looking at provides that the Ethics Commission must be notified to determine if there is a problem. Judge Pendery announced that he would be on vacation at the time of the next meeting. While he is out of town, nobody else has the authority to put personnel matters on the floor. Because we need this position filled, that means it would be a month late if not done tonight. Mr. Franzen stated that he is not advising that the position should not be filled by this person; he suggested that a motion be made and see if it passes. If it turns out that there is a legal issue, he will bring it to their attention. Commissioner Coleman stated that the word "terminated" is used for seasonal employees; every seasonal employee reapplies every year. He knows the Jolly family and they are wonderful people, but if the Fiscal Court has a policy, it should be followed no matter who it is. He has a problem if interpretations are made based on who the person is; this is not against any individual. Nobody would say that it is good practice for a person to work under the supervision of their spouse. The Administrative Code forbids it. Judge Pendery stated that if you care about the family and their reputation and the people here giving you information, this is the kind of thing that needs to be brought up between meetings. The packet is sent out for a reason, and people are told that if they have a question to let him or staff know so that it can be addressed before the meeting and nobody is embarrassed. Commissioner Coleman stated that there was the same problem a year ago and it was pulled off the agenda for further study and was never brought back. He has a copy; he wasn't negligent – who was? He stated that Commissioner Painter asked that it be removed from the agenda. Judge Pendery stated that Commissioner Coleman could have brought it up prior to the meeting and sought answers. Commissioner Coleman stated that you can put it back on me in that way if you want. He stated that he is invited to Friday meetings now, but the whole first year that he was elected he was never invited. He missed the whole first year coming to meetings so why is it now important for him to do these things when during the whole first year he was ignored. He further stated that he did not have a representative on the Ethics Commission his second year in office because Judge Pendery would not allow him to have one. Judge Pendery stated that that was his doing. Commissioner Coleman stated that it wasn't, it was Judge Pendery's. Judge Pendery stated that they have a difference of opinion of responsibility in both cases and he vehemently disagrees with Commissioner Coleman's interpretation on both things. Commissioner Coleman stated that he vehemently disagrees with Judge Pendery's interpretation. Judge Pendery stated that there is a motion and second on the floor. He would like to see a vote

on this issue so that it is not delayed for a month, as the person would normally be working before then. Commissioner Painter asked if this person was originally hired before there was an Ethics Code. Mr. Franzen replied that she was. Commissioner Painter stated that there was no Ethics Code then and it doesn't violate it now as far as he can tell. Commissioner Coleman stated that it does violate the code. He stated that he understands what the Ethics Code says, and he also understands what the Administrative Code says, and they say two different things. He questioned whether one would be used if they want to hire somebody, and the other used if they don't want to hire them. Commissioner Lampe agreed that there was a proposed revision of the Ethics Code. However, the revision was not voted on so it is irrelevant. Ms. Jolly is not in violation of the current Ethics Code. Commissioner Coleman asked if she was in violation of the Administrative Code. Commissioner Lampe stated that the Administrative Code is new to him. Judge Pendery stated that this issue would not be resolved at this meeting and he suggested going ahead with the motion as made and then resolve the potential conflict. He stated that it is not unusual for there to be conflicting statutes and regulations. It will be dealt with off-line. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

A motion was requested to appoint Gerald Herringer as a part-time Golf Starter at an hourly rate of \$10.67 effective March 2, 2017. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Stan Ritter as a seasonal Clubhouse Maintenance Worker at an hourly rate of \$10.67 effective March 2, 2017. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Hannah DeJarnette, Teesha Straman, Tina Feters and Christine Pflum as seasonal Park Rangers at an hourly rate of \$10.26 effective March 2, 2017. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to appoint the following seasonal Parks and Recreation Maintenance Workers at an hourly rate of \$10.67, effective March 2, 2017: William Heck, Paul Kramer, Thomas Kramer, Scott Remley, Michael Weber, Howard Tucker, Mark Goller and Carol Fryman. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to reappoint William Voelker and Victor (Van) A. Needham III to the Campbell County Police Force Merit Board for a four-year term effective April 1, 2016 through March 31, 2020 and August 5, 2016 through August 4, 2020 respectively. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Matt Elberfeld reported on a request to accept Perkins Drive for maintenance by the County. He explained the Fiscal Court's road acceptance program whereby property owners can petition to make their road part of the County-maintained system. At least 50% of the property owners must submit a petition, and the Fiscal Court hires an engineer to determine what needs to be done to the road to meet County standards. An estimate is provided to the property owners, and if

they agree to cover the cost of improvements, then the Fiscal Court adopts the road for maintenance. He stated that this has been done before; it is a beneficial project for citizens – it gets them future maintenance and snow removal. It also protects the Fiscal Court because it is not accepting a road that is not built to our specifications. He stated that this is very early in the process, sometimes it can take up to a year. Mr. Elberfeld advised that the Fiscal Court did receive a petition from more than 50% of the property owners on Perkins Drive just off US 27 south of Alexandria. The petition needs to be read into the record, and then he and the road Supervisor will work with an engineering firm and property owners to get the process started. There is no action required at this time. He stated that three owners signed the petition and he thinks there are 5-6 total on the road. This request is a little different because there are businesses involved and some parcels are owned by the same person.

Commissioner Coleman stated that there was an article on Cincinnati.com about the substance abuse program at the Detention Center. According to the article there are six females in the program, two were identified by name and interviewed – one from Kenton County and one from Over-the-Rhine. He checked his notes from the Friday, November 11 meeting and the number one criteria for the program was that participants had to be a Campbell County resident, but the two women mentioned are not Campbell County residents. He questioned why the Campbell County taxpayers are paying for these women, and not Campbell County residents, to get treatment. During the meeting he wrote down the criteria: Campbell County resident, female, non-violent with non-violent history and could not be a drug dealer. Mr. Elberfeld stated that he had the same thought when he read the article so he talked to the Jailer and the program manager. He stated that that population can be somewhat transient in nature, but part of the screening process questions whether the person has lived in or has family in Campbell County, and if they are planning on living/working in Campbell County after completing the program. He also pointed out that where they identified to the reporter that they were from, might not be their legal residency. He did look into it. Commissioner Coleman stated that he was told that participants had to be a Campbell County resident, not that they're going to be a Campbell County resident when they get out of jail. This is Campbell County's tax money and it should be used to treat County citizens. That is what he was told and Mr. Elberfeld agreed; why is it not being followed. Judge Pendery stated that in the opinion of the jail staff it is being followed. He stated that they did talk to staff at the jail, and their interpretation is that these women are Campbell County people for purposes of the program. Commissioner Coleman stated that he guesses anybody can be a Campbell County resident. Judge Pendery gave an example and stated that it isn't as simple as where you currently live. Commissioner Coleman stated that then it should not be part of the criteria; policies are made but they are not followed. He was told that they have to be a Campbell County resident. Judge Pendery stated that they will change the policy to say that they have to be a Campbell Countian. Commissioner Coleman replied that he guesses that Judge Pendery made the criteria. Judge Pendery stated that this is another example of what has become habitual for Commissioner Coleman; he could ask these questions before the meeting, but his purpose is to try to embarrass people. Commissioner Coleman stated that habitual is that the County doesn't follow its own policies and that is Judge Pendery's responsibility.

Commissioner Painter stated that as part of the County's cooperate efforts with Kenton County, there are Campbell Countians in treatment for substance abuse in Kenton County. He does not

see the Licking River as a barrier especially with a cooperative program such as this. They qualify people by where they identify as being from. He is satisfied with the explanation given.

Judge Pendery announced that The Campbell County Spring Clean-Up will be held on March 31 and April 1 from 8am to 5pm each day. Residents may drop off trash only at Pendery Park and the Campbell County Police Department. Other items including appliances, car batteries, electronics except TV's, furniture/mattresses, propane tanks up to 20 pounds, scrap metal, tires and trash may be dropped off at the Campbell County Transportation Center. More details can be found at the solid waste link at www.campbellcountyky.org or by calling the solid waste office at 547-1866. This is one of the County's most popular events. He acknowledged the organizers of the event: Kim Serra, Mike Braun, Allyn Reinecke and Luke Mantle.

Judge Pendery complimented Chief Sorrell and the Police Department on the annual report. He stated that in his 18 years as Judge/Executive he has not received a phone call at home about a police matter. He stated that this means that there is good solid work done by the officers and the leadership of the Police Department. Chief Sorrell explained why there may be a disparity in the number of cases from one year to another.

Judge Pendery stated that as a result of the future location of Amazon at CVG Airport, there are more flights coming into the airport than DHL can handle. Therefore, DHL will hire to fill 900 jobs. A job fair will be held on March 4, 2017 from 9am to 5pm. He listed the kinds of jobs to be filled and the benefits. Judge Pendery further stated that TANK is coordinating with DHL and the airport to provide transit service to the job fair. In the future, TANK will adjust its schedule to meet the new shift times at DHL that may begin as early as mid-March.

Marie Schenkel requested a motion to authorize staff to advertise for bids to replace bridges at Dodsworth ELR#73 and Plum Creek ELR#7 as requested by Luke Mantle. These projects are needed due to the age of the structures. The Plum Creek work will be funded through the 80-20 KY Transportation Cabinet program. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-16-17 was read by title and summary given. R-16-17 authorizes the Judge/Executive to execute a Vehicle Lease Agreement to lease a Ford Coach van to the Campbell County Fire Protection Association in consideration of an annual lease payment of one dollar and subject to automatic annual renewal. This is the vehicle that was transferred to Campbell County from TANK. Commissioner Painter made a motion to adopt R-16-17 stating that he believes that this vehicle is for the Association's arson detection squad. Judge Pendery stated that occasionally surplus vehicles are offered to the three constituent counties by TANK. Commissioner Lampe 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 1, 2017. County Attorney Steve Franzen stated that he has reviewed the claims/supplemental claims and determined that they all appear appropriate. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. Commissioner Coleman stated that there are some storm water bills included. Mr. Franzen stated that those bills are for the Fiscal Court building and parking lots. 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 8:25 p.m.

Attachments:

Ordinance O-02-17 Amend Traffic Schedules-Speed Limit and Stop Signs
Resolution R-14-17 Accept Recommendations for Use of Rural Secondary Road Funds
Ordinance O-03-17 Amend Traffic Schedules-Stop Signs
Resolution R-15-17 Update Organizational Chart, Administrative Code & Position Description
Resolution R-16-17 Authorize Vehicle Lease Agreement
Claims and Supplemental Claims March 1, 2017

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk