

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

December 2, 2015

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 2, 2015, 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
Paula Spicer	Fiscal Court Clerk
Kim Serra	Assistant County Administrator
Colonel Craig Sorrell	Campbell County Police Department
Cindy Minter	Director of Planning and Zoning
Kirk Hunter	Solid Waste Coordinator

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 November 18, 2015 were presented. Motion was made by Commissioner Lampe, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the public.

Bob Thomer, 1174 East Low Gap Road, Cold Spring, stated that he was subpoenaed to court for not paying the storm water tax. He has never paid the tax and now owes \$611 plus court costs. He lives in unincorporated Campbell County and any water run-off from his property goes straight into a creek and then into the Ohio River – it does not go through any Sanitation District (SD1) facilities. He thinks that the tax is unjust. Mr. Thomer stated that not everybody in the unincorporated County gets billed for the storm water; he know others who do not pay the tax. Judge Pendery explained that everybody in certain census tracts are billed. There are about 15,000 people across northern Kentucky that are outside the SD1 coverage that are billed for storm water. Judge Pendery stated that he would be happy to meet with Mr. Thomer and explain

how it came to be this way. He stated that there are a lot of things on the tax bill that don't directly benefit a certain citizen, and this has been a controversial subject for some years. He again offered to talk to Mr. Thomer. Commissioner Coleman stated that this issue needs to be addressed. He thinks that it is unjust that citizens are being sued, summoned to court and they receive no service. He understands that the Fiscal Court initiated this policy in the past. Nobody should be charged if they do not get services. Commissioner Coleman stated that the City of Cold Spring opted out and their residents don't pay the storm water tax. He thinks that the County should pull out of the storm water system for people like Mr. Thomer. He asked Steve Franzen if that should be put in the form of a resolution or how they can go about pulling out of the storm water system for the unincorporated areas. Mr. Franzen advised that the Fiscal Court and other communities have entered into a contract with SD1. He stated that Cold Spring residents do pay the same fee that nonresidents pay, but it goes to the City, not SD1. Mr. Thomer stated that everyone doesn't get billed; all residents should get billed. Judge Pendery stated that the people who are outside the boundary are considered to be agriculture areas who must follow certain regulations regarding water run-off. He again offered to meet with Mr. Thomer individually. Commissioner Lampe stated that he has researched this issue with SD1 for another resident. He did get an explanation of the service in writing from SD1 and he will provide a copy of that to Mr. Thomer. The question was asked as to whether this is a tax or a fee. Judge Pendery stated that there are thousands of people across northern Kentucky who do not have a physical feature such as a pipe or drain near their home who are paying this fee or tax. But they are all in drainage areas that funnel into places where there is such architecture. It is not a perfect system but it is a legal system. Ken Moellman stated that he is in the same situation as Mr. Thomer; his storm water flows into a creek and eventually into the river. He agrees with Mr. Thomer – they should not be paying – they get absolutely nothing from SD1. Commissioner Painter stated that this issue goes back to a decision in 2003. He does not agree with pulling the watersheds out of the storm water agreement. He gave an overview of the EPA storm water cleanliness regulations issued in 2003. He stated that there were quite a few people in the southern part of the County that received summons to small claims court. Commissioner Painter thanked Mr. Thomer for coming to talk about this at the meeting. Commissioner Coleman stated that he'd like to introduce a resolution if that's what it takes. If it has to be written up, it can be done at the next meeting or if it can be done tonight he will introduce it. He made a motion to withdraw from the storm water program in the unincorporated areas of the County. Commissioner Painter stated that he does not want to withdraw. He stated that the watershed approach is fine but billing people outside of the nonattainment area has some dubious qualities at best. The focus should be on billing people outside of the nonattainment area. Commissioner Coleman then made a motion that people outside the nonattainment areas not get billed. Steve Franzen stated that it is not quite that simple. The Fiscal Court long ago signed an agreement with SD1 to take on this service and we have obligations to SD1 and other the parties to the agreement. He stated that they should determine what process to follow to try to address the issue raised by Mr. Thomer. Mr. Franzen stated that whatever the Fiscal Court does it won't affect Mr. Thomer's current court process. Mr. Moellman stated that he has talked to attorneys and a representative of SD1 on how to pull out or modify the agreement. Judge Pendery pointed out that if the Fiscal Court took action, the solution would only apply to that point forward and not retroactively. Kevin Gordon stated that the effectiveness would be at the discretion of the judge. He stated that it is a sad day when the Fiscal Court doesn't stand up for its citizens. Judge Pendery stated that they are not going to talk about this any further. He suggested that

Commissioner Coleman talked to Steve Franzen about his motion. Commissioner Painter stated that he hasn't studied the issue enough to make a motion right now. He does not want to pull out of the agreement with SD1 on storm water because there are things going on that are very beneficial. He suggested asking SD1 to have a variable rate for people living in attainment areas or ask why they are getting billed. He does not want to pull out of the agreement. Commissioner Coleman stated that they need to act; the Fiscal Court's obligation is to protect the taxpayers who are getting summoned to court for service that they don't get. Commissioner Coleman stated that Cold Spring got out of the agreement; he talked to their Mayor and attorney and it's working out well for them. Mr. Franzen stated that the citizens of Cold Spring are paying the same rate to the City that they were paying to SD1. He knows that the professionals hired by Cold Spring have urged the City to get back into the agreement with SD1 because things are only going to get more expensive and more complicated. Commissioner Coleman made a motion that the County pull out the unincorporated areas out of the storm water system. The motion died for lack of a second. Commissioner Lampe stated that this is not over, it is complicated and they will work on it, but he could not support the motion. Judge Pendery stated that the next step would be for a person who believes that there has been an injustice done to investigate and present the proper wording for a motion at a future meeting. Commissioner Painter made a motion to study the storm water issue and make a divide between attainment and non-attainment, he moved that the Fiscal Court make a study of that to come up with an informed motion on how to best serve the citizens of Campbell County in the unincorporated area and people who are in attainment areas. Judge Pendery seconded the motion. He stated that they will study it and present the facts on how such a motion can be made so that anybody who wants to pursue this at a future meeting may do so. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman abstained and the motion passed.

Irvin Bacon stated that none of the vehicles used at A J Jolly Park have a County emblem on them and haven't had any for years. He then asked why the park is closed while other area parks are still open and there are two full-time employees at the park during the winter. Mr. Bacon asked why horseback riding is not allowed on the roads through the campground when there is no camping and the trails are too muddy to use. Judge Pendery stated that they will get him answers. Commissioner Coleman agreed that all County vehicles should be identified with the County logo.

Chief Craig Sorrell introduced police recruit Douglas Maliszewski and gave his work history and education. Judge Pendery administered the Oath of Office to Officer Maliszewski. He then welcomed Officer Maliszewski to the Campbell County family.

Kirk Hunter, part time Solid Waste Coordinator updated the Fiscal Court on the Campbell County Fall Clean Up that was held on October 23, 24 and 26, 2015. He presented statistics on the amounts and kinds of waste collected and how the costs compared to last year's clean up. He then talked about the Household Hazardous Waste event held on October 17, 2015. Mr. Hunter is currently organizing the Christmas tree recycling event. Judge Pendery expressed his appreciation to Mr. Hunter and asked him to let staff know of suggestions for improvements. Mr. Hunter answered questions.

Campbell County Sheriff Mike Jansen presented highlights of his office budget for the calendar year 2016. The estimated funds available for 2016 are \$2,132,055; this is 3.6% less than the current calendar year. Sheriff Jansen thanked the citizens of Campbell County, as well as the Fiscal Court who has given him guidance and direction. He thanked Matt Elberfeld and Kim Serra for their assistance. He stated that they've streamlined operations at the Courthouse and in the office. They have a new policy and procedure manual, and the deputies and staff received accreditation. Sheriff Jansen stated that they have a new website and they have upgraded their fleet. Sheriff Jansen explained that his office provides security at the Courthouse and in courtrooms, transports prisoners, serves subpoenas and summons, and collects taxes. He believes that over 75% of taxes have been collected for this year. Judge Penderly stated that the Sheriff's office fields a lot of questions about taxes even though they do not set the tax rate. He thanked Sheriff Jansen for his hard work. He stated that they will be looking over the budget and it will be voted on at the next meeting.

Paula Spicer presented old business with a second reading of Ordinance O-13-15 by title and summary. O-13-15 authorizes the issuance of General Obligation Refunding Bonds, Series 2016, in an aggregate principal amount not to exceed \$6,985,000 (which amount may be decreased as necessary) to refund in advance of maturity a portion of the outstanding principal amount of County of Campbell, Kentucky General Obligation Public Project Bonds, Series 2008, the proceeds of which were used to permanently finance the acquisition, construction and installation of a new administrative facility for the County; approving the form of bonds; authorizing designated officers to execute and deliver the bonds; providing for the payment and security of the bonds; creating a bond payment fund; authorizing an escrow trust agreement; maintaining the heretofore created sinking fund; authorizing acceptance of the bid of the bond purchaser for the purchase of the bonds; and repealing inconsistent ordinances. Commissioner Painter made a motion to adopt O-13-15, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

New business was then presented beginning with Resolution R-148-15 by title and summary. R-148-15 authorizes the County Judge/Executive to execute an addendum to the contract between the Fiscal Court and the City of Crestview, Kentucky to provide snow removal and ice maintenance services on streets in the City of Crestview, Kentucky for the 2015-2016 winter season. The County provides snow removal services on 1.2 miles of roads in Crestview in consideration of \$325 per trip. Commissioner Coleman made a motion to adopt R-148-15, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-149-15 was read by title and summary given. R-149-15 authorizes the Judge/Executive to execute an addendum to the contract with St. Joseph Church, Camp Springs, for snow removal and ice maintenance services for the 2015-2016 winter season, and for mowing and trimming services along the entrance road. The County provides snow removal services on the entrance road to the Church and School in consideration of \$130 per trip. The mowing and trimming services are billed at \$300. Commissioner Painter made a motion to adopt R-149-15, seconded by Commissioner Coleman. All voted "AYE" and the motion passed.

A motion was requested to advance Allan Kramer from Road Maintenance Level II to Road Maintenance Level III with compensation set at \$26.31 per hour effective December 3, 2015 in

accordance with the current Local #286 working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

Resolution R-147-15 was read by title and summary given. R-147-15 adopts the 2016 Holiday Schedule for the Campbell County Fiscal Court employees. Judge Pendery made a motion to adopt R-147-15, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

Matt Elberfeld requested a motion to acknowledge for the record that the State Local Debt Officer has approved the Campbell County Fiscal Court’s petition to issue its Campbell County, Kentucky General Obligation Bonds, Series 2015. These are the bonds that were sold to fund the current Detention Center Project. This acknowledgement is required by the Department of Local Government. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

Commissioner Coleman stated that he talked to Matt Elberfeld about the bids for Upper Tug Fork Road. He understands that it may be on the agenda for the next meeting.

Commissioner Coleman stated that it is important to have the County logo on its vehicles. Mr. Elberfeld stated that he was not aware that all of the County vehicles weren’t marked; he will look into it. Cindy Minter stated that the vehicle used for housing inspections is not marked for confidentiality purposes. Chief Sorrell stated that his department has some undercover cars that are not marked.

Commissioner Coleman stated that the Chamber of Commerce is hosting a meeting on December 10, 2015 to disclose the priority list for the legislature. He stated that one of the requests is for funding to move Chase Law School from Campbell County to Kenton. He stated that a committee is still actively meeting to keep the school in Campbell County.

Commissioner Lampe stated that he, Commissioner Coleman and Judge Pendery attended a marijuana summit on December 1 organized by Kim Moser, Director of the Northern Kentucky Office of Drug Control Policy. He stated that they had a great panel of experts discussing the effects of legalizing marijuana and the effects that legalization has had on the States of Colorado and Washington. People on both sides attended the summit. Based on what he heard about the states that have legalized marijuana, we do not want it here in northern Kentucky.

Judge Pendery advised that he would not be at the December 16, 2015 Fiscal Court meeting. His son is graduating from pilot training in the Air Force and he’ll be out of town. Traditionally the Commissioner with the most seniority presides over the meeting in his absence. If they follow tradition, Commissioner Painter will run the meeting on December 16.

Marie Schenkel requested a motion to approve the claims as presented for December 2, 2015. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Painter, seconded by Commissioner Coleman. 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 8:40 p.m.

Attachments:

Ordinance O-13-15 Bond Issue Refunding
Resolution R-148-15 Agreement with City of Crestview for Snow Removal
Resolution R-149-15 Agreement with St. Joseph Church for Snow Removal
Resolution R-147-15 Adopt 2016 Holiday Schedule for Employees
Claims December 2, 2015

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk