

CAMPBELL COUNTY FISCAL COURT MINUTES

August 18, 2010

A special meeting of the Campbell County Fiscal Court was held on Wednesday, August 18, 2010, at 5:30 p.m. at the Campbell County Courthouse, 8352 E. Main Street, Alexandria, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:15 p.m. for the purpose of receiving public comments on the proposed Campbell County Fiscal Year 2011 tax rates. Present at the hearing were:

Steve Pendery, Campbell County Judge Executive
David Otto, County Commissioner
Kenneth Rehtin, County Commissioner
Mark Hayden, County Commissioner
James Daley, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
Jim Seibert, Director of Fiscal Affairs
Colonel Keith Hill, Campbell County Police Department
David Plummer, Solid Waste Coordinator
William Turner, Office of Emergency Management Director

Jim Seibert opened the public hearing on the proposed tax rates advising that a first reading of the ordinance would take place tonight without a vote, and the second reading and vote would take place on September 1, 2010 at 4:00 p.m. at the Alexandria Courthouse. Mr. Seibert stated that last year's rate was 12.4¢ per \$100 assessed value estimated to produce revenues of \$6,471,765; this year's compensating rate is 12.8¢ per \$100 assessed value estimated to produce revenues of \$6,815,897. The Fiscal Court proposes a tax rate of 13.3¢ which is the rate allowing for a 4% increase. He read the estimated receipts from the different tax sources. Judge Pendery informed the audience that he is not sure what rate they will take this year, but does not believe that anybody wants to propose a 4% rate increase. Tim Nolan stated that the notice for this meeting was published in *The Enquirer*, not the *Campbell County Recorder*. He submitted affidavits from *The Enquirer* and the *Recorder*. Mr. Nolan stated that KRS 424 controls and *The Enquirer* does not have an office in Campbell County and therefore does not qualify. Judge Pendery stated that the notice was published in accordance with the County's interpretation of the law. Mr. Nolan stated that it would be a great if the County does not take the 4% increase; he has looked at the budget and saw a lot of areas that could be cut back, i.e. TANK. He stated that Campbell is one of only four counties that still have County Police; Kenton County is looking at eliminating theirs. He suggested that they could save money by consolidating the police with the Sheriff's Department. Judge Pendery responded that Mr. Nolan has brought this up before and that he has been given an explanation of why the County is not doing that. J R Roth, unincorporated Campbell County, asked what the Fiscal Court intends to do with the tax rate, so that comments can be made. Judge Pendery stated that Mr. Roth can comment on any number of

things: lower taxes, 4%, or compensating rate. Mr. Roth stated that nobody has increased their income in this economy and the Fiscal Court should do what everybody else is doing and take a decrease; he listed a number of categories that could be cut. Judge Pendery stated that the County's budget is about 20% less this year than last year. Lloyd Rogers stated that during the primary campaign, Judge Pendery stated that the County has a \$6.5 million surplus, so why raise taxes at all. Erik Hermes set up a chart showing Campbell County population and Campbell County spending. He pointed out that from 2000 to 2008 there was a dramatic decrease in population meaning that people are leaving Campbell County. At the same time spending by Campbell County went up – out of control spending. Mr. Hermes stated that Boone and Kenton Counties' populations are increasing. An increase in taxes in Campbell County may lead to more people leaving the County. Mr. Hermes stated that it is much easier to spend money that is not yours, for example the new Fiscal Court building with the very lush finishes. Many people have had to cut their expenses, and the County needs to do the same. Judge Pendery stated that there is no mathematical relationship between spending and population as illustrated on Mr. Hermes chart. There being no further comments, the public hearing was closed at 5:30 p.m. Mr. Seibert reiterated that the second reading of the ordinance will take place on September 1, 2010 and that no rates have been set yet.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN

James Daley, County Attorney
Robert Horine, County Administrator
Melissa Williams, Director of Administration
Paula Spicer, Fiscal Court Clerk
Jim Seibert, Director of Fiscal Affairs
Colonel Keith Hill, Campbell County Police Department
David Plummer, Solid Waste Coordinator
William Turner, Office of Emergency Management Director

The meeting was called to order at 5:30 p.m. by Judge Pendery.

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance. After roll call, a quorum was declared present. Cable Access was present to film the meeting.

Minutes from the regular Fiscal Court meeting held on August 4, 2010 and the special Fiscal Court meeting (Mayors meeting) held on July 27, 2010 were presented by Judge Pendery. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin to approve the minutes. All voted "AYE" and the motion passed.

Judge Pendery invited comments from the audience.

J R Roth, unincorporated Campbell County, asked if notice of this meeting was published in the *Campbell County Recorder*. Judge Pendery replied that proper notification was made. Mr. Roth stated that this is a special meeting because the location was changed, but he did not see any notice of it in the *Campbell County Recorder*.

Joe Heil, Cold Spring resident, stated that he has operated a business in Campbell County since 1984, and he and his brother together have 36 continuous years in the restaurant/bar business. He has prospered during those years by meeting the customers' needs and giving them what they want. Mr. Heil stated that the smoking ban is an unwanted and unnecessary expansion of the government's role and takes away individual freedom. He stated that it is an individual's right whether to smoke or not, and a business owner's right to choose to be a smoking or nonsmoking establishment. Mr. Heil stated that they have a restaurant in Ohio and the smoking ban there has impacted their business. He cited statistics about businesses and how they have been affected by smoking bans. He asked the Fiscal Court to keep government out of his business; it is his decision to allow smoking or not.

Jennifer Mason, California, Kentucky, thanked Judge Pendery and the Commissioners for their continued leadership on a comprehensive smoke-free ordinance in Campbell County. She realizes that they have been educated about the evidence-based research on second hand smoke and that it is a public health issue. Ms. Mason presented a file of over 1,600 signatures of people in Campbell County who want a comprehensive smoke-free ordinance in Campbell County. She thanked the Fiscal Court for their continued support and for listening to the different views. The signatures were collected at relays for life, parades, festivals and by going door-to-door.

Tim Nolan stated that two meetings ago, the Fiscal Court authorized the use of facilities fund tax to pay for a mental health issue. He has found out that the money has not yet been paid. He presented a copy of an ordinance passed in 2003 which has been changed over the years. Mr. Nolan stated that he understands that there is about \$1 million in this particular fund. The Fiscal Court has paid for rent of the District Court parking lot which is appropriate, however he understands that they are also paying for the Sheriff to pay for a jail specialist from these funds, and has given money to a non-profit organization that funds the work that the Commonwealth Attorney does with pretrial diversion, and now they are giving money to a nonprofit mental health group which would ultimately fund things in the Mental Health Group. Mr. Nolan questions whether funding the Mental Health Court is appropriate use of these funds. He also requested that the Fiscal Court review the 2003 ordinance to determine if they should still be collecting that tax on court fees since some of its obligations have ended or changed. He stated that the only other thing that can be paid for with these tax funds besides facilities, is the administration of justice. Mr. Nolan opined that contributions to nonprofit organizations are not considered administration of justice, and he suggested how the tax funds should be distributed. Judge Pendery stated that Mr. Nolan has questioned the use of these tax funds before. He stated that they anticipate that when the new Justice Center opens there will be a considerable requirement to provide security for which these funds will be used. The Fiscal Court is satisfied that the other uses for the funds are appropriate. Mr. Nolan suggested that the Fiscal Court may want to amend its ordinance to allow use of the funds for security purposes.

Bill Rachford, Alexandria Councilman, advised that the Alexandria City Council voted not to support a smoking ban. The government should not dictate to business owners how to run their business. He would like to see the Fiscal Court not enact a smoking ordinance and let the market place decide.

Chris Robinson stated that recent newspaper articles report that Boone County has opted out of the smoking ban, that Commissioners Otto and Hayden have not seen a smoking ban ordinance, that the ordinance will likely be drafted by the County Attorney, and that the County Attorney is not drafting an ordinance nor has he made any recommendation regarding an ordinance. Mr. Robinson asked Judge Pendery if he's reviewed and shared an ordinance with the other members of the Fiscal Court. Judge Pendery replied that the newspaper obtained an uncirculated draft and published it, so it was circulated to the Commissioners; this draft has since been revised and circulated to the Commissioners. Commissioner Otto explained that the newspaper was wrong when it said that the Commissioners had a copy of an ordinance and implied that there was some secretive dealings among the three Fiscal Courts regarding the ordinance. He stated that that was like Mr. Hermes accusing them of taking contributions from Ameresco. He made it clear at the time that they had not taken contributions from Ameresco. Commissioner Otto stated that the newspaper gets stories wrong and citizens come to the meetings and make statements that they took money from a vendor; he reiterated that he had not seen the ordinance as reported. Commissioner Hayden stated that a proposed ordinance was just circulated to them, and it was the first one he's seen. Mr. Robinson asked if the same ordinance is being looked at by Kenton County, or is Mr. Daley going to draft an ordinance. Judge Pendery stated that Mr. Daley doesn't have a copy of the ordinance yet. He explained that in the process of making a decision, a legislative body circulates documents in draft form to elicit comments for revision, in order to be put into final form for action. As long as it is still a draft document it is not subject to the Open Records law; the newspapers have a problem with that. Judge Pendery stated that interested parties have polled the members of all three Fiscal Courts making their positions known. Mr. Robinson suggested that the Fiscal Court not take a position until everybody has seen the ordinance. Commissioner Otto stated that as a result of the newspaper articles and editorial, many people got the wrong impression and perhaps the newspaper should print a retraction. Mr. Robinson asked if the ordinance will be available to the public prior to the first reading. Judge Pendery stated that the ordinance is introduced at the first reading to give opportunity for comments before the second reading and vote.

Lloyd Rogers agreed that they can't talk about anything because people will think that they're passing something. He then asked if the County Clerk counted the 1600 signatures on Ms. Mason's petition. Judge Pendery stated that Mr. Rogers is making reference to a petition that he submitted. J R Roth stated that if the rules say that the signatures be verified for one petition, it should be the same for all petitions.

J R Roth stated that he circulated a resolution via email that hopefully the Fiscal Court will pass, supporting the Arizona and immigration thing. He did not see it on the agenda. Judge Pendery explained that it could not be added to the agenda because this is a special meeting. He stated that he or other members of the Fiscal Court may be willing to write a letter in support of a proposition brought to them, but they don't want to take the time of the Fiscal Court on national

and state issues that are not within their jurisdiction to deal with. He stated that they do not wish to get into a debate about issues that are the province of national and state government.

Erik Hermes stated that Commissioner Otto said that he accused members of the Fiscal Court of accepting contributions from Ameresco. Mr. Hermes stated that the fact is that the principals of Ameresco are known to make political campaign donations. He stated that what he said was if any members of the Fiscal Court accepted contributions from Ameresco and then approved the contract with Ameresco, would they give the money back; he did not accuse them of taking a contribution from Ameresco.

Judge Pendery stated that the original complaint about Ameresco was that an out-of-state company was going to get business that local companies did not have a chance to bid on. He stated that under Kentucky law, the only eligible companies were from out-of-state; however they were to hire subcontractors. Campbell County's contract required that the contractor use best efforts to hire local subcontractors. He announced that a local contractor, Geiman Burkhardt, was hired to perform about 80-90% of the work.

DJ Scully, Campbell County Cooperative Extension Service agent, explained his position as a service agent who extends information from the University of Kentucky to the residents of Campbell County. He explained that the Environmental Education Center is located on a 50 acre tract in A J Jolly Park leased to the Cooperative Extension Service. During his 10 year tenure, he has been involved with about 25,000 people through the Environmental Education Center. Mr. Scully described some of the many duties of his job including property visits, wildlife control and education. He then described the features of the solar-powered, 4,000 square foot Environmental Education Center building which was constructed in 2002, and the two main walking trails. With the hiring of an Environmental Education Assistant last year, the Center was able to expand its hours and programs, including adult programs. Mr. Scully listed the kinds of programs and number of participants in programs that he conducted and those conducted by the Assistant. Mr. Scully ended his presentation by giving his contact information and the hours for the Environmental Education Center. Commissioner Rehtin stated that under Mr. Scully's direction he is growing shitake mushrooms, and he and his family enjoyed the night walk that they attended last year. Tim Nolan asked Mr. Scully the amount of their budget and the source of funding. Mr. Scully stated that they have three funding sources: the University of Kentucky, state and federal governments. Their working budget is around \$1.2 million. Judge Pendery stated that the local tax money contributed to the Extension Service was approved by a voter referendum.

There being no old business, Melissa Williams presented new business beginning with Resolution R-98-10 which was read by title and summary given. R-98-10 authorizes the Judge/Executive to apply for an extension on the 2010 Spay and Neuter Grant from the Kentucky Department of Agriculture's Animal Control Advisory Board. The \$500 grant expired June 30, 2010, and the State has agreed to extend the deadline through December 30, 2010. The grant funds are used to provide \$25 vouchers to spay or neuter animals adopted from the Shelter. Commissioner Rehtin made a motion to adopt R-98-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-99-10 was read by title and summary given. R-99-10 authorizes the Judge/Executive to execute agreements with Cardinal Engineering Corporation and H. C. Nutting Company for engineering services for the replacement of the Visalia Road Bridge in Unincorporated Campbell County, Kentucky. Ms. Williams explained that the State awarded Campbell County \$81,100 toward the project cost of \$101,281 for replacement of the Visalia Road bridge. Ken Schultz, Road Department Supervisor, has reviewed the proposals from Cardinal and Nutting and recommends entering into the contracts. Commissioner Hayden made a motion to adopt R-99-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-100-10 was read by title and summary given. R-100-10 authorizes the Judge/Executive to execute an agreement with Rivertown Communications LLC to produce two "What's Happening" publications during Fiscal Year 2011. This publication is distributed to 42,232 households and is paid for by the participating organizations on a per page basis, with all participants sharing the cost of editing and mailing. The Fiscal Court generally has 4-5 pages per issue. Commissioner Rehtin made a motion to adopt R-100-10, seconded by Commissioner Otto. Commissioner Rehtin asked how much this publication has cost over time. Ms. Williams replied that she can't estimate that cost, however the County currently pays about \$1,400 per page. All voted "AYE" and the motion passed.

A motion was requested to appoint J C Morgan to the Northern Kentucky Community Action Commission Board for a three year term effective August 1, 2010 through July 31, 2013. Ms. Williams explained that Mr. Morgan will replace Carl Baumann who resigned in May 2010. Mr. Morgan is the library director in Campbell County and is willing to serve on this Board. Motion was made by Judge Pendery, seconded by Commissioner Hayden. Commissioner Rehtin requested that in the future, a resume of the board appointee be included in their packet. All voted "AYE" and the motion passed.

Robert Horine presented Ordinance O-09-10 for a first reading by title and summary given. O-09-10 amends Chapter 94 of the Code of Ordinances relating to Horse Trail Rules and Regulations. Mr. Horine explained that the Northern Kentucky Horse Network has developed about 10 miles of horse trails in A J Jolly Park. Earlier this year the County found it necessary to secure insurance to protect it from any liability for people using the trails. Recently the County decided to institute a trail tag program whereby riders will pay a daily fee to use the trails. Mr. Horine stated that the Horse Trail Rules and Regulations in the Code of Ordinances need to be amended in order to effectuate the fee. This is a first reading, and the second reading will be presented at the September 1, 2010 meeting.

Robert Horine announced that no executive session was needed at the meeting.

Commissioner Rehtin asked Mr. Horine if he could provide an estimate of usage of the horse trails and an estimate of revenue generated by the trail tags.

Judge Pendery announced that the Campbell County Senior Picnic is set for Wednesday, September 15, 2010 at Pendery Park from noon to 5:00 p.m. Tickets are available at the Senior

Center or at the County Administration Building for \$8.00 in advance, or \$10.00 the day of the picnic.

Judge Pendery reminded those present that the September 1, 2010 Fiscal Court meeting time has been changed to 4:00 p.m. at the Alexandria Courthouse. The time change is due to a conflict with the Alexandria Fair Parade on the same evening.

Judge Pendery requested a motion to change the meeting of September 15, 2010 to September 16, 2010 at the County Administration Building at 5:30 p.m. due to the Senior Picnic being held on the 15th. Motion was made by Commissioner Rechlin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Jim Seibert read Ordinance O-08-10 by title and summary given. O-08-10 relates to the annual budget and tax rates. This ordinance was the subject of the public hearing held prior to the meeting. He recited the proposed tax rates which are subject to change, and stated that this is just a first reading; the second reading will take place at the September 1, 2010 Fiscal Court meeting.

Mr. Seibert then requested a motion to approve the claims and supplemental claims as presented for August 18, 2010. County Attorney Jim Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rechlin made a motion to adjourn, seconded by Commissioner Otto. All voted "AYE" and the meeting adjourned at 6:40 p.m.

Attachments:

Resolution R-98-10 Application for Extension of Spay/Neuter Grant
Resolution R-99-10 Contracts for Replacement of Visalia Road Bridge
Resolution R-100-10 Contract for Publication of "What's Happening" Newsletter
Ordinance O-09-10 Amend Horse Trail Rules and Regulations
Ordinance O-08-10 Set the General Fund Tax Rate for 2010
Claims and Supplemental Claims of August 18, 2010

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk