

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

December 16, 2009

A special meeting of the Campbell County Fiscal Court was held on Wednesday, December 16, 2009, 5:30 p.m. at the Campbell County Fiscal Court Chambers at 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
James A. Daley	County Attorney
Paula Spicer	Fiscal Court Clerk
Jim Seibert	Fiscal Director
Keith Hill	Chief of Police
David Plummer	Solid Waste Coordinator
Greg Buckler	Jailer
Peter Klear	Director of Planning and Zoning

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. Following roll call, a quorum was declared present.

Minutes from the regular Fiscal Court meeting held on December 2, 2009 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Pendery asked if anyone wished to address the Fiscal Court. J. R. Roth recalled that a few meetings ago, Commissioner Hayden brought up the subject of transparency. He asked at what level the transparency will be. He gets a copy of the agenda but would like more information on the items before the meeting. Regarding the energy audit that was presented at the last meeting, Mr. Roth asked if it would be put out to public bid. Mr. Roth used the agenda item for an amendment to the Code of Ordinances as an example; the Code is on the website but the amendment is not, so unless you come to the meeting you don't know what is being amended. Commissioner Hayden stated that he raised the issue of transparency shortly before the Fiscal

Court offices moved to the new building, and he acknowledged that staff has been very busy with the move, but would like them to look at this issue in the new year. He would like to see more information posted on the website, excepting confidential or personnel-related information. He would also like staff to research Commissioner Otto's suggestion that the meeting information be provided to the Fiscal Court members in an electronic format in order to save on time and materials costs. It was agreed that once the meeting information is digitized, it would be easy to post it on the website. Mr. Roth stated that he is just looking for a date when this will occur.

Judge Pendery stated that they are not prepared to deal with the energy audit at this time. Robert Horine explained that if the Fiscal Court goes with Ameresco, they (Ameresco) would oversee the entire project; they would hire the individual contractors to perform the work. The Fiscal Court would not solicit bids for the work. He stated that they expect to consider this at a meeting in January.

Commissioner Otto stated that J. R. Roth attended the Open House for the new building. He wondered if Mr. Roth found the gold toilets and showers in the building. Mr. Roth stated that there is a lot a square footage in the building per employee; he asked how many employees are in the building.

Andrew Aiello, Deputy General Manager of the Transit Authority of Northern Kentucky (TANK) began his presentation on the state of affairs of TANK by stating that the Fiscal Court makes a large investment in public transportation each year. TANK is a public transit authority created under state statute. There is a nine member board of directors with three members being appointed by each Judge/Executive. He stated that operating costs are funded by fares and by the three Counties, and capital expenses for buses and facilities, are funded with federal money. Mr. Aiello presented statistics regarding number of trips, routes and ridership. He stated that 75% of riders use TANK to get to and from work. He explained the partnership with Northern Kentucky University and Gateway College whereby these schools pay TANK annually to allow their students, faculty and staff to ride for free. Mr. Aiello next addressed how the County's funds are used and TANK's approach to cutting costs. He pointed out that fuel costs have increased 300% since 2004 and ridership in Campbell County has increased 19.6% since 2005. Base fares have increased 50% in the last five years. Mr. Aiello showed a comparison of TANK's operating expenses with similar transit systems. He then addressed some frequently asked questions: smaller buses don't offer a savings in costs, TANK operates on a "peak-heavy" system, and TANK did receive stimulus funds that must be used on capital projects. Mr. Aiello advised that TANK performs an annual review of routes and a trip-by-trip analysis of the entire system. He explained that in 2005 the State legislature placed a cap on the local payroll tax that funds TANK. Judge Pendery stated that the local revenues no longer adjust for inflation, and the Fiscal Court cannot change that due to the bill passed in 2005 and there is no automatic adjustment for inflation. He state that according to the Bureau of Labor statistic's website, the inflation rate for 1979 to 2009 averages 4% per year. Mr. Aiello explained that the funding mechanism for TANK is unique; Lexington has a property tax and Louisville has a separate payroll tax which is levied under a different statute. He explained that TANK has four hybrid buses in its fleet, which get about 25% better fuel economy, but cost about 50% more to purchase than a regular bus. He further stated that biofuel costs about the same as diesel fuel.

Judge Pendery advised that in 1978-1979 voters passed a referendum to fund TANK which was 1% of payroll with no cap. However, public officials took 4/10% tax in Campbell County and added a cap, providing no adjustment for inflation.

David Plummer, Solid Waste Coordinator, reported on the fall clean-up which was held on November 6, 7, and 8, 2009. They collected 49 tons of recyclable materials for which they received \$1,350. 54 tons of tires were dropped off and 256 tons of general debris. He estimates that 1,100 people came to the Road Department site; this number does not include the other two locations. Mr. Plummer stated that the Trash for Cash program was started this year to use litter abatement grant funds from the State. The program was created to allow non-profit organizations to earn money by cleaning up roadsides for which they receive \$100 per mile of road cleared not to exceed a total of \$1,000. 13 groups participated from July through November 2009. There is a waiting list for next year for this program. Mr. Plummer advised that there will once again be a Christmas tree recycling program. Various cities will host sites for dropping off trees, and then the trees will be taken to Northern Kentucky University and recycled for composting material and mulching.

There being no old business, Melissa Williams presented new business. Ordinance O-13-09 was read by title and summary given for a first reading. O-13-09 amends Section 34.02 of the Campbell County Code of Ordinances entitled "Places Where Lighted Smoking Materials Prohibited" to change the address of the Campbell County Fiscal Court Building to 1098 Monmouth Street, Newport, Kentucky. The purpose of this ordinance, the next ordinance and a later resolution are all due to the relocation of certain County offices to 1098 Monmouth Street.

Ordinance O-14-09 was read by title and summary given for a first reading. O-14-09 amends Section 34.15 of the Campbell County Code of Ordinances entitled "Access To and Use of Public Records" to change the address of the Campbell County Fiscal Court Building to 1098 Monmouth Street, Newport, Kentucky and to make miscellaneous grammatical corrections. This ordinance is commonly referred to as the "Open Records Ordinance" and governs how the public may access public records. The County Attorney reviewed the ordinance and suggested some grammatical corrections in addition to the change of address.

Resolution R-149-09 was read by title and summary given. R-149-09 authorizes the County Judge/Executive to execute an order of affiliation with the Fire Department Bellevue Dayton Rescue Squad, Central Campbell Fire District Rescue Squad and Campbell County Search and Rescue Squad. The Office of Emergency Management is required by state law to have order of affiliation agreements with the various rescue squads. Commissioner Otto made a motion to adopt R-149-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-138-09 was read by title and summary given. R-138-09 authorizes the Judge/Executive to execute a contract with Steve Helmer (d/b/a Electric Inspection) to provide professional electrical inspection services to Campbell County. Commissioner Rehtin made a motion to adopt R-138-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-139-09 was read by title and summary given. R-139-09 authorizes the Judge/Executive to execute a contract with Tom Studer (d/b/a Electric Inspection Agency of Northern Kentucky) to provide professional electrical inspection services to Campbell County. Commissioner Rehtin made a motion to adopt R-139-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-151-09 was read by title and summary given. R-151-09 amends Resolution R-01-07 to establish the regular meeting schedule for the Campbell County Fiscal Court for 2010. This resolution is necessary due to the move of Fiscal Court offices, and sets out that the second meeting of the month will be held at 1098 Monmouth Street, and the first meeting of the month will be at the Alexandria Courthouse at 7:00 p.m. Judge Pendery made a motion to adopt R-151-09, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Ms. Williams requested a motion to authorize staff to advertise for applications for the use of Campbell County Mental Health and Mental Retardation and Aging Tax Funds for Fiscal Year 2011-2012. Applications will be due on January 15, 2010 and Pat Dressman, Human Services Director, will oversee the application process. Motion was made by Commissioner Rehtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of David Bruener, Patrolman for the Campbell County Police Department, effective December 10, 2009. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to accept the letter of intent to retire from Russell Guy, Maintenance Supervisor, effective midnight February 28, 2010. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for the position of Maintenance Supervisor due to the retirement of Russell Guy. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to reappoint Justin M. Verst to the Campbell County & Municipal Board of Adjustment for a four year term effective January 4, 2010 through January 3, 2014. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Robert Horine presented his report next beginning with Resolution R-147-09 which was read by title and summary given. R-147-09 accepts the low bid of Electric Time Company, Inc. for a clock to be installed at the Campbell County Administration Building and Health Center. This will be a four-sided clock to be placed on the clock tower in front to the new Administration Building. It was anticipated that the clock would be bid separately from the original construction contract. He stated that Electric Time Company has submitted an acceptable low bid. Commissioner Hayden noted that the other bids were substantially higher, and commended staff on the work that they did to get this bid under budget. Commissioner Otto made a motion to adopt R-147-09, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-148-09 was read by title and summary given. R-148-09 authorizes the County Judge/Executive to execute a change order to the Agreement with Impact Services, Inc. to perform asbestos abatement at 1010 Monmouth Street. Mr. Horine explained that when Impact Services, Inc. began work on the 1010 Monmouth Street building, they conducted a destructive inspection and discovered additional asbestos that needed to be removed from the building. This change order will cover the additional work which has already been completed due to the demolition schedule. Judge Pendery made a motion to adopt R-148-09, seconded by Commissioner Rehtin. Commissioner Rehtin asked for some background on the contract with Impact Services and how they performed the original inspection. Mr. Horine advised that an engineer did an inspection of the building as required by State law. The Fiscal Court then sought quotes for the asbestos removal based on the engineer's report. Impact Services was the low bidder. Impact Services is certified by the State and is required to report any additional asbestos found in the building. Commissioner Rehtin questioned whether the engineer has any liability for not discovering all of the asbestos since the final cost is twice as much as the original contract. Mr. Horine stated that he would check into it, although some things could not be inspected as the building was still occupied when the engineer did his inspection. All voted "AYE" and the motion passed.

Resolution R-150-09 was read by title and summary given. R-150-09 authorizes the sale of surplus property at A. J. Jolly Park. Mr. Horine stated that some time ago it was determined that there was a horse trail belonging to an adjoining property owner on park property. This parcel of park property was declared surplus and advertised for sale, but no bids were received. Subsequently, the adjoining property owners Howard and Terry Kleier offered to purchase the property for \$2,700. Commissioner Rehtin made a motion to adopt R-150-09, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Robert Horine stated that this is the first Fiscal Court meeting in the new room. He stated that they plan to purchase a podium for use by people giving presentations and those addressing the Fiscal Court, and will determine if there are other things needed for the room.

Commissioner Hayden wanted to make it clear for the record and for the audience that the size of the surplus property authorized for sale at A. J. Jolly Park is a 0.274 acre parcel for \$2,700.

Judge Pendery commended the Northern Kentucky Independent Health Department on the flu vaccination clinics that were held. They did a great job in acquiring the vaccine and in notifying the public of their clinics.

Judge Pendery announced that the Fiscal Court held an open house for the new administration building last week. The event was well attended. He thanked everybody that was involved, especially staff members.

Robert Horine apologized to the Fiscal Court for reading the wrong version of Resolution R-150-09 previously, so he read the amended version for the record: a resolution of the Campbell County Fiscal Court and Campbell County, Kentucky, Public Parks Corporation authorizing the sale of surplus property at A.J. Jolly Park. The resolution was amended to reflect that the property is titled in the name of the Public Parks Corporation.

Commissioner Otto requested a proclamation for the Highlands High School football team for winning the football State Class 5-A Championship and upon being named the number two team in the nation. He got to see his nephew, Austin Collinsworth receive the Paul Hornung Award, and got to meet Paul Hornung.

Commissioner Otto recalled that the question was asked at the beginning of the meeting about how many employees are in this building. What is more important to him is how many people come into the building to do business. One day the previous week, he saw that the lobby was full of people visiting the Health Department or the County Clerk's office. He believes that that is a better indicator of the use of the building. Judge Pendery pointed out that the entire Sheriff's office has not yet moved in. They have calculated that there have been 120,000 visitors to the building; about 60,000 of those to the County Clerk's offices. Jim Seibert stated that the number of public records in the building take up a good deal of space.

Commissioner Rechtin suggested that since the County is in possession of many historic documents, perhaps some of those documents could be copied and displayed on the walls in the building.

Commissioner Rechtin wished everyone a Merry Christmas and Happy New Year. Commissioner Hayden wished everyone Happy Holidays.

Jim Seibert requested a motion to award bids and dispose of property no longer being utilized from the 24 West Fourth Street property. He advised that there were not many bids for the surplus property; there was not a lot of property left after the various County departments took some of it. The total amount realized from the sale was \$375. Motion was made by Commissioner Rechtin, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to approve the budget transfers as presented for December 16, 2009. Motion was made by Commissioner Otto, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Jim Seibert requested a motion to approve the claims and supplemental claims as presented for December 16, 2009. County Attorney James Daley stated that he has reviewed the claims and all appear appropriate. Commissioner Otto stated that there is a claim for RIW Ornamental Metal for shower repair at the jail for close to \$9,000; is this due to damage done by an inmate. Greg Buckler explained that the repairs were due to a construction flaw and the shower stalls did not meet the standard. This bill is for fixing one shower stall, and there are three more that have to be fixed. Motion was made by Commissioner Otto, seconded by Judge Pendery. Judge Pendery then withdrew his second, and Commissioner Hayden seconded the motion to pay the bills. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rechtin made a motion to adjourn, seconded by Commissioner Otto. All voted "AYE" and the meeting adjourned at 6:50 p.m.

Attachments:

Ordinance O-13-09 Amend Campbell County Code Section 34.02
Ordinance O-14-09 Amend Campbell County Code Section 34.15
Resolution R-149-09 Order of Affiliation Agreements
Resolution R-138-09 Contract for Electrical Inspection Services
Resolution R-139-09 Contract for Electrical Inspection Service
Resolution R-151-09 Amend Meeting Schedule
Resolution R-147-09 Accept Bid of Electric Time Company, Inc.
Resolution R-148-09 Change Order for Impact Services, Inc.
Resolution R-150-09 Sale of Surplus Property at A. J. Jolly Park

Transfers of December 16, 2009

Claims and Supplemental Claims of December 16, 2009

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk