

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

March 2, 2005

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, March 2, 2005, at 7:00 p.m., at the Campbell County Courthouse, 8352 East Main Street, Alexandria, Kentucky.

Judge Pendery called the meeting to order. A moment of silence was called for by Judge Pendery, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present. The meeting was covered by *Government Access*.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
WILLIAM VERST

Justin Verst	County Attorney
Robert Horine	County Administrator
Jim Seibert	Fiscal Affairs Director
Keith Hill	Chief, Campbell County Police Department
Greg Buckler	Campbell County Jailer
Reno Deaton	Solid Waste Coordinator
Peter Klear	Planning & Zoning Director
Sarah Collins	Interim Director of Housing
Melissa Williams	Director of Administration
Sandra Mulligan	Fiscal Court Clerk

Judge Pendery presented the minutes from the Fiscal Court meeting of February 16, 2005. It was moved by Commissioner Otto and seconded by Commissioner Verst that the minutes of February 16, 2005 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery then asked if there were any citizens or public officials present who wished to address the Court. There were none.

Judge Pendery then requested items of Old Business be brought before the Court. Ms. Williams stated there was no Old Business.

Judge Pendery next requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was a motion to proclaim the month of March 2005

as Litter Abatement and Clean-Up Campbell County Month. She stated that the County urges cities and citizens to participate in assisting with the clean-up of litter, and the sprucing up of their property. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery then called on Reno Deaton, Solid Waste Coordinator, to provide an overview of the upcoming County Clean-Up. Mr. Deaton thanked the Court for its Proclamation and noted that it would be put on the *Government Access* so that citizens in the County would be aware of it. He stated that advertisements regarding the Clean-Up had been out and running for approximately one month. The Clean-Up program is a partnership with the Fiscal Court and 12 of the 15 Campbell County cities, to provide litter abatement and general clean-up throughout the County. The Spring event will be held March 18, 19 and 20, from 8:00 a.m. until 6:00 p.m., and items can be dropped off at Pendery Park, the Campbell County Police Station, and the Campbell County Transportation Center. At the Pendery Park and Police Station sites, only litter and debris will be collected. The Transportation Center will be set up to collect litter, debris, used tires, appliances (including those bearing freon), scrap metal and car batteries. Items that cannot be accepted are liquids of any kind, paint, oil, and antifreeze. These items can be disposed of and anyone needing this service should contact Mr. Deaton's office at 441-5166. Mr. Deaton stated there has been great participation in past years for this event, and he expects the same this year. He noted that there is a limited supply of plastic bags and encouraged any social groups, church groups, or community organizations that would like to organize a clean-up in their neighborhoods to contact his office to obtain a supply of the bags. He thanked the Fiscal Court and the cities involved for funding this program.

Judge Pendery asked Mr. Deaton to report the statistics from past Clean-Ups. Mr. Deaton stated that at the 2004 Spring and Fall events, there was 1,300,000 pounds of litter and debris collected, over 7,000 used tires, over 750 car batteries, many tons of scrap metal, and over 560 used appliances. Judge Pendery noted that this program has been hugely successful and thanked Mr. Deaton for his work in continuing to keep this program going.

Ms. Williams next presented a first reading of Ordinance O-01-05, which she read by title and provided a summary to the Court for its consideration. She explained that this Ordinance amends the text of the Zoning Ordinance, Article XV-Performance Standards, and adds provisions for Performance Standards in all zones. The text amendment was approved by the Campbell County & Municipal Planning & Zoning Commission. She stated that Peter Klear, Planning & Zoning Director, was present to answer any questions. Judge Pendery asked Mr. Klear to give an overview of the purpose for this Ordinance. Mr. Klear stated that Performance Standards are a set of rules and regulations governing activities within a land use. We have a traditional zoning classification, which says there is residential in one area and commercial in another. Prior to this amendment, there were Performance Standards only for industrial zones. There are nuisance-type activities that occur outside of industrial zones and as the County continues to grow, it will see a change in land uses. The County needs to make sure it has a way for the different land uses to work together. Typically, nuisance-type activities are noise, light, trash, which, if left unchecked, could become a nuisance. This amendment will establish rules that will help good neighbors remain good neighbors. Judge Pendery stated that the intent is not to have people running around with clipboards trying to find violators, but rather to have tools

available to be used should the need arise if someone is creating a nuisance. Mr. Klear stated that this amendment will provide a better service if the need arises. Ms. Williams noted that no action was necessary on the Ordinance at this meeting, and that it would be acted on at the next Fiscal Court meeting.

Ms. Williams then presented a first reading of Ordinance O-02-05, which she read by title and provided a summary to the Court for its consideration. She explained that this Ordinance updates the Official List of Roads in Campbell County by accepting Wigeon Drive, accepting an extension of Goldeneye Drive (both located in Ponde Creek Subdivision) into the County Road Maintenance System, and also authorizes the renaming of Trapp Road to Kellan Court. She stated that Peter Klear, Planning & Zoning Director, was present to answer any questions. She noted that no action was necessary on the Ordinance at this meeting, and that it would be acted on at the next Fiscal Court meeting.

Ms. Williams then presented a first reading of Ordinance O-03-05, which she read by title and provided a summary to the Court for its consideration. She explained that this Ordinance amends County Ordinance O-14-2000 relating to the reimbursement by inmates for medical and related expenses incurred during incarceration at the Campbell County Detention Center. She stated that Greg Buckler, Campbell County Jailer, was present to answer any questions. Commissioner Otto requested Mr. Buckler explain this Ordinance in more detail. Mr. Buckler stated that over the last 12 months he and his staff have been meeting regularly with the Fiscal Court to look at the possibility of increasing revenues, rather than increasing expenditures. They visited with three other local Jailers to determine their fees for medical and related expenses. A comparison of the fees was done and certain increases were recommended. Commissioner Otto noted that some of the increases were made at a lower rate than other counties because the fact was that there are inmates who just don't have the resources to pay the fees. For repeat offenders, it is even more difficult to recover these fees. For some of the more extensive medical costs to inmates, the County Attorney will pursue legal remedy to place a lien on any property an inmate has. Judge Pendery stated that the point of this amendment is to have inmates pay for the costs that they cause the County and its taxpayers bear. The booking fee will increase from \$20 to \$30; the physician visit co-pay will increase from \$5 to \$15; medical provider visit inside the facility, excluding physician, will be increased from \$5 to \$10; doctor visits, treatment and related testing outside the jail, mental health services outside the jail, all hospital fees and miscellaneous charges and drug testing inside the jail, will all be reimbursed by the inmate at actual cost. Mr. Buckler stated that, with the increase in booking fees, projected additional revenue could be \$35,000. Commissioner Otto stated that although he complains at every meeting about the jail expenses, he wants everyone to know he does not blame Mr. Buckler. It is a State law that the County has to provide these services to its inmates. If an inmate needs an operation, no matter what the cost is, the County has to pay for those medical bills. The County has sent its invoices for reimbursement for medical expenses to the State three months ago, but has never been reimbursed. Judge Pendery asked Mr. Buckler if he had any information on HB 500, which deals with jail per diem rates. Mr. Buckler stated the Bill had passed through the House on March 1 and been sent over to the Senate. Judge Pendery noted that the State is not paying the County what it did in the early 1980's on a per diem basis, but less. Mr. Buckler stated that HB 500 calls for a \$4 per day increase this year and another \$4 per day increase next year. HB 500 also addresses credit for time served. This is a 6 or 7 year process, where in the third year credit for time served comes into play and also some of the reimbursement for medical

expenses comes into play. The first 2 years is mainly directed towards the daily per diem expense being increased. Ms. Williams noted that no action was necessary on the Ordinance at this meeting, and that it would be acted on at the next Fiscal Court meeting.

Ms. Williams next requested a motion to proclaim the month of April 2005 as Child Abuse Prevention Month in Campbell County. She stated that the County urges cities and citizens, community agencies, businesses, and religious organizations to increase their participation in efforts to reduce child abuse in our community. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-25-05, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the County Judge/Executive to enter into a Grant Agreement with the Kentucky Department of Agriculture for grant funds in the amount of \$991.08 for animal control equipment at the Campbell County Animal Shelter. There being no further discussion, Commissioner Rehtin made a motion and Judge Pendery seconded to approve Resolution R-25-05. All voted "AYE" and the motion passed unanimously.

Ms. Williams next called on Police Chief Keith Hill to give an update on some road conditions in the County. Chief Hill thanked the Court for allowing him the time to speak on these issues. He stated that part of community policing is forming a partnership with the community by letting them know when there are changes that will affect them and their safety. He reported that there are two changes involving roads that he wanted to let the citizens of Campbell County know about. The first is a road closure that will start Tuesday, March 8, at 1:00 p.m. The road on Rt. 8 between the 12-Mile Bridge and Painter Road will be closed from March 8, 2005 for at least 480 days. They are hoping to get the road work done before the winter months, but they do have 480 days to complete the project. Signs will be going up today to let citizens know about the road closure. The second area is on U.S. 27 and concerns traffic safety. Due to the construction of the new U.S. 27 between KY 536-Creek Trace Road and the A.J. Jolly Golf Course, they have lowered the speed limit in that area to 45 mph from 55 mph. This speed change went into effect on February 21 and signs have been posted. The police will be enforcing this speed limit effective immediately and speeders will be ticketed. This area is currently not a double fine zone, but the State has said they may change it. Judge Pendery asked how circuitous the detour would be off of Rt. 8 during the road closure. Chief Hill stated that detours would be to take KY 735-Smith Road and KY 547-Four Mile Road. Construction traffic will use Rt. 1998. Judge Pendery stated that we can all look forward to the day when the U.S. 27 project is completed and back in order. Chief Hill noted that when accidents occur on U.S. 27, they are almost always an injury accident or fatality. The County police are looking forward to the day when U.S. 27 is 4 lanes with a turn lane and wide shoulders all the way out.

Ms. Williams next requested a motion to appoint Nicholas Heiert to the position of Patrolman Grade I in the Campbell County Police Department, with compensation set at Grade 9A (\$33,394), effective March 21, 2005. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to appoint the following individuals to the position of Recreation Maintenance for the 2005 Park Season, at a salary of \$9.29/hr: Eugene McNamara, Albert Wald, Michael Sampson and Kenneth Fox; and appoint Sharon Stevens-Hearing to the position of Camping/Concession for the 2005 Park Season, at a salary of \$8.94/hr; said appointments effective March 3, 2005 through the 2005 Park Season. There being no further discussion, Judge Pendery made a motion and Commissioner Rechlin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams requested that the next two items on the Agenda relating to the retirement of an employee at Lakeside Terrace be withdrawn. The gentlemen who tendered his retirement letter has asked that the letter be withdrawn.

Ms. Williams next requested a motion to accept the CPI rate of 3.26% as calculated by the Governor's Office for Local Development to set the annual compensation for the following elected officials for calendar year 2005: County Attorney Justin Verst, Commissioner Dave Otto, Commissioner Ken Rechlin, Commissioner Bill Verst and Coroner Mark Schweitzer. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to reappoint Chuck Heilman to the Campbell County Planning & Zoning Board for a four-year term, effective March 21, 2005 through March 20, 2009. Judge Pendery thanked everyone who works on this Board, noting that planning and zoning and school boards are probably the two most sensitive jobs one can have, because they deal with one's property and children. We appreciate all the work that these folks do. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. County Administrator, Robert Horine, presented Resolution R-26-05, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes the County Judge/Executive to execute an agreement with the Campbell County Court House Commission regarding space for the Campbell County District Court and ancillary facilities. This will allow the Court House Commission to negotiate with the Kentucky Administrative Office of the Courts (AOC) for the possibility of providing new space for the District Courts in Campbell County. This is required because by law the AOC first has to come to the local government when they are looking at building new Court facilities and see if that local government wants to be the agent for conducting that work. In this case, it appears the AOC is in a better position to do that because they are the owner and operator of the existing historic Courthouse, and the idea is to build additional space adjacent to the Courthouse in order to provide space for the District Court and other support facilities. This request is being brought at this time as it appears there may be an opportunity to move this project up on the schedule for planning purposes. In order to facilitate that, the AOC has asked that we put this agreement in place in order for the Court House Commission to have clearance from the Fiscal Court to begin negotiating with the AOC. Commissioner Rechlin inquired as to the changes in the new paragraph 3 that County Attorney Verst had originally drafted, stating that he believed Mr. Verst's suggested paragraph had more validity and more clarity as to what the Fiscal Court would like to see happen. County Attorney Verst stated that he had met with some of the members of the Court House Commission and

discussed the aspect of the rate the AOC is paying to the Court House Commission now for visiting space, and indicated we felt there should be an increase and they agreed. The plan is that the Court House Commission would have sufficient funds with which to compensate the Fiscal Court for the space taken up by the Sheriff, the PVA and the County Clerk. This new language that is in the agreement now does not contain a reference that would require AOC to sign off and eliminates some of the language about getting at the market rate. Everyone understands what the plan is and when the agreement goes back to the Court House Commission, a cover letter will be done reciting further what the plan and understanding is. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve the Resolution R-26-05. All voted "AYE" and the motion passed unanimously.

County Attorney Verst reported that within the past month, the County Prosecutor's office has received several cases of adults throwing parties at their homes for high school kids and serving alcohol. This problem seems to occur every year around this time and it seems like the kids and the parents are not getting the message that this is illegal. Many of these parties were such that 16 and 17 year olds were drinking until 4:00 a.m. Breathalyzer tests were given to all these kids and they were blowing anywhere from .09 up to .14 on these readings. One child had to be taken to the hospital with possible alcohol poisoning. He stated that he wanted to advise the parents and kids of the County that this will not be tolerated. Henceforth, the County Attorney's office will oppose any diversion on these cases. In the past, parents have come to Court and asked to be diverted from the criminal justice system and they are permitted to do community service or other service. Apparently, the message is not getting across, which has caused the County Attorney's office to now oppose diversion. In select cases, the County Attorney's office will be asking for jail time, as this is becoming a serious problem. The police departments have been advised of the keg law and have been asked to strictly enforce it. A first violation of the County keg law is up to 90 days in jail and up to a \$250 fine; a second violation is a Class A Misdemeanor and up to a year in jail and up to a \$500 fine. In addition to that, if someone leaves your house after drinking alcohol and drives and gets killed or kills someone else, you have that to deal with, by possibly being sued civilly. It is understandable, especially around graduation time, that parents want to throw a party for their kids, but parents need to have the backbone to tell the kids that there will be no alcohol. It may be just a matter of time before some of these kids are killed in automobile accidents because of driving while under the influence of alcohol. You may think it can never happen to you, but it can. He asked parents to stand up to their kids – throw them a party and have a great time, but don't allow them to drink alcohol at your residence. He wants people to get the message – this is a very serious problem, and we are going to take it very seriously.

Commissioners, Otto, Verst and Rechtin stated they had nothing further to report.

Judge Pendery then announced that, due to scheduling conflicts, the April 6, 2005 meeting of the Fiscal Court needed to be moved to Tuesday, March 29, at 7:00 p.m., at the Campbell County Courthouse, 8352 E. Main Street, Alexandria, Ky. He also announced that OKI will be holding a public meeting in Campbell County on Tuesday, March 15, from 7:00 p.m. to 9:00 p.m., at the Extension Center in Highland Heights, to discuss future growth in the Greater Cincinnati region. Citizens are urged to attend and give their input. Citizens can obtain more information on this public meeting from the OKI website at www.oki.org.

Judge Pendery then stated that there was good news from Frankfort today. HB 400, which is the financial rescue for Campbell and Kenton Counties, has moved its way through the local government committee in the Senate, with a favorable vote. The Senate should take the matter up soon. This bill is a fix to what was an unintended consequence of a Supreme Court decision that left the financial fortunes of Campbell and Kenton Counties dangling in a very precarious position. Commissioner Rechtin stated that, with the passage of this Bill, Campbell County is not really coming back to where it was, since it is losing the ability for any increase in tax without a referendum to the voters, and the cap is currently at 0.09 and the cost of living is gone as well. Judge Pendery stated that the County set out in the beginning to restore the understanding that in the last 27 years there has been the understanding that there was no further authority asked than what was granted by referendum in 1978. However, the County found as it got into the process, that it would have to give up a little of that authority in order to win the cause.

Judge Pendery then asked for a report from the Fiscal Director. Mr. Seibert requested a motion to accept the bids for golf course materials and supplies for 2005. The bids are on behalf of Boone, Campbell and Kenton Counties as a joint procurement process. Golf Superintendent, Steve Myers, has taken it upon himself to do the work for the three counties and get bids from many different companies for the materials and supplies to be used. There being no further discussion, Commissioner Rechtin made a motion to accept the bids, seconded by Commissioner Verst. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested a motion to acknowledge for the record that the Fiscal Court has received the new bonds for the County Treasurer and Occupational License Department. There being no further discussion, Judge Pendery made a motion to acknowledge the bonds, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested approval of the Claims being presented at this meeting. County Attorney Verst stated that he had reviewed the claims and that they appeared to be appropriate. Commissioner Otto inquired as to an item on the Claims listed as Jail Routine Medical in the amount of \$27,657. Mr. Buckler stated that this amount was for 2 inmates who were in the hospital for an extended period of time, and this amount will be submitted to the State for reimbursement, but the County has to pay for the costs up front. Commissioner Otto requested that Mr. Seibert obtain the names of the two individuals and forward them to County Attorney Verst to inquire as to whether the parties have any property or other assets to have a lien put upon. There being no further discussion, Commissioner Otto made a motion that the claims be approved and paid. Commissioner Verst seconded the motion. All voted "AYE" and the motion passed unanimously.

There being no further business to come before the meeting, it was moved by Commissioner Verst, seconded by Commissioner Rechtin, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 7:50 p.m.

Attachments:

Ordinance O-01-05: Amendment to Zoning Ordinance

Ordinance O-02-05: Additions to County Road Maintenance System

Ordinance O-03-05: Amendment to Ordinance O-14-2000 Regarding the Campbell County

Detention Center
Resolution R-25-05: Grant Agreement for Animal Shelter Equipment
Resolution R-26-05: Agreement with Campbell County Court House Commission
Claims: March 2, 2005
March 2, 2005 (Supplemental – General Fund)
March 2, 2005 (Home Emergency Grant)

Approved:

/s/ Steve Pendery
STEVE PENDERY
Campbell County Judge/Executive

Attest:

/s/ Sandra L. Mulligan
Sandra L. Mulligan
Fiscal Court Clerk