

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

February 3, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, February 3, 2010, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, 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
Jim Daley	County Attorney
Jim Seibert	Fiscal Director
Paula Spicer	Fiscal Court Clerk
Chief Keith Hill	Campbell County Police Department
William Turner	Office of Emergency Management Director
David Plummer	Solid Waste Coordinator

The meeting was called to order at 7:00 p.m. by Judge Penderly. Cable Access was present to film the meeting.

Judge Penderly asked for a moment of silence followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes from the special Fiscal Court Meeting held on January 20, 2010 were presented. Motion was made by Commissioner Otto, seconded by Commissioner Hayden, to approve the minutes. All voted "AYE" and the motion passed unanimously.

Judge Penderly invited comments from the audience.

Jim Pfister, citizen, stated that he had a number of questions about new business and the resolutions on the agenda. He agreed that he would ask the questions as each item on the agenda was discussed.

Eric Hermes, Campbell County resident, thanked Robert Horine for taking the time to explain the contract with Ameresco, however he still has some concerns. This is a lot of work to be released to an out of state contractor; local contractors will not have a chance to bid on this work,

and they can really use the work at this time. Mr. Hermes stated that he was told that there are not many contractors that have the ability to do what Ameresco does, and that Ameresco is guaranteeing its prices. He believes that when a contractor guarantees a price, they are leaving a lot of room for profit or for things that may go wrong. He stated that Duke Energy can perform an on-site energy assessment. He proposed that the County at least look at the possibility of Duke Energy performing the assessment, and the work could be bid out to local contractors. The County could save a lot of money by using Duke. Judge Pendery stated that the subject of the energy assessment contract is not scheduled to be dealt with at tonight's meeting, so there is time to explore Mr. Hermes' suggestions.

Joe Powers, Campbell County resident, asked who purchased the new computers for the record room. He stated that the print on the new computers is very small. As a real estate broker, he does a lot of work at the record room and the new computers are hard to read. Judge Pendery advised that Jack Snodgrass, the County Clerk, oversees the record room. Mr. Powers gave his phone number so that someone from the County can contact him with an answer to his concern.

David Plummer explained that Boone, Campbell and Kenton Counties form the only Solid Waste Management District in Kentucky and as such file annual reports, apply for grants and plan events together. He introduced Mary Dickey, Solid Waste Coordinator for Boone County, and a member of numerous boards and groups, including serving as chair of the Solid Waste Coordinators of Kentucky (SWaCK), to talk about the Waste Tire Trust Fund. Ms. Dickey explained that the Waste Tire Trust Fund (WTTF) began in 1998 in an effort to deal with the ongoing problems of tire dumping. The initial funds were used to clean up large dumps in the State. The WTTF also funds the tire amnesty program whereby residents can bring in unwanted tires to a specific location; the event is generally held every 4-5 years. Ms. Dickey stated that the WTTF is due to sunset in 2010, and Solid Waste Coordinators want to get the funds reauthorized so that they can continue the tire amnesties. They have learned that a good portion of the funds are being funneled to other places so that counties do not have access to the funds to clean up tires. The Solid Waste Coordinators would like to make some changes to the WTTF including a more efficient way of collection of the fund itself through the Revenue Cabinet and distribution of funds directly to the counties to manage their tires. Ms. Dickey explained that every time a person buys a tire from a tire retailer, one dollar goes to the Fund. Commissioner Rehtin asked how the funds are distributed. Ms. Dickey stated that currently the entire fund goes to the Revenue Cabinet. Solid Waste Coordinators across the State are requesting that counties adopt a resolution in support of reauthorization of the Fund including changes in its administration which she outlined. Some of the Fund monies go to crumb rubber grants, but a good part of the money goes to the Revenue Cabinet for administration, overhead, salaries and operations. Solid Waste Coordinators are hoping to capture some of the money going to the Cabinet by changing the legislation to place a cap on the Revenue Cabinet's share, and funnel more money back to the counties where it is needed. Ms. Dickey explained how funds were allocated to the Area Development Districts for tire amnesty, and how litter abatement funds are allocated to counties. She explained that one of the changes that they would like to have made is to collect fees from tire wholesalers, not retailers. There are about 17 tire wholesalers in Kentucky and 2,600 known tire retailers; it would be easier to administer and deal with 17 rather than 2,600. Customers would still pay the one dollar fee, the retailer would send it back to the wholesaler who would then forward the fees to the State; the challenge would be in collecting the fees from out-of-state wholesalers. In response to Commissioner Hayden's question Ms. Dickey explained that the tire

core exchange fee is an attempt to encourage tire buyers to leave the old tires with the retailer rather than taking the tires and ultimately dumping them. Judge Pendery expressed his appreciation for the work that the Solid Waste Coordinators do; tire dumps are not as big of a problem as they once were. Ms. Dickey stated that the proposed changes to the WTTF will provide bigger opportunities for counties especially if more money funnels down to the local level.

Melissa Williams presented old business with a second reading of Ordinance O-02-10 by title and summary. O-02-10 creates a new provision within the Campbell County Code of Ordinances to prohibit the removal or destruction of Northern Kentucky Control Network Monuments and classifying the removal or destruction of said monuments as subject to the jurisdiction thereof. Commissioner Rechtin made a motion to adopt O-02-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Ms. Williams proceeded with new business and Resolution R-13-10 which was read by title and summary given. R-13-10 authorizes the Judge/Executive to enter into a contract with the Northern Kentucky Firefighters' Association to provide IT-related services to the Association. Brett Ruschman, IT Director, recommends entering into this contract which is similar to the contracts with other cities in the County. These services can be provided to the Firefighters' Association by the current staff. Commissioner Otto made a motion to adopt R-13-10 seconded by Commissioner Rechtin. Jim Pfister asked why the County wants to do this. Judge Pendery responded that they believe that consolidation of various services is the wave of the future and want to encourage it by building trust among the cities. The County, cities and other agencies use similar programs and networks. Mr. Pfister then asked what kind of organization is the Northern Kentucky Firefighters' Association. Judge Pendery stated that the Association provides training programs and facilities for local firefighter jurisdictions. Commissioner Otto added that the Firefighters' Association has better buying power by making purchases in larger quantities on behalf of individual districts. He also pointed out that the Association is billed at \$55 per hour for IT services; it is not a free service. Commissioner Hayden stated that the County saves taxpayer dollars by consolidating services. All voted "AYE" and the motion passed.

Resolution R-16-10 was read by title and summary given. R-16-10 sets the 2010 park opening and closing dates and camping dates for the Campbell County Park system. Ms. Williams advised that these dates were recommended by Dennis Reller and coincide with last year's dates. Commissioner Rechtin made a motion to adopt R-16-10, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-17-10 was read by title and summary given. R-17-10 sets the 2010 fees for A J Jolly Park. It is recommended that the rates remain the same as 2009 due to the economy and due to competition. Commissioner Otto made a motion to adopt R-17-10, seconded by Commissioner Rechtin. Jim Pfister asked if the current rates cover the County's costs for the park. Judge Pendery replied that it depends on how many rounds of golf are played. If the rates are too high compared to other courses you would lose rounds of golf and revenues would drop. The Fiscal Court is trying to stay competitive with other courses in the County and region. Commissioner Hayden pointed out that the resolution pertains to fees for use of the park itself. Commissioners Hayden and Rechtin agreed that the County would never be able to collect

enough fees to operate the park. The amounts of the fees are set to stay competitive in the marketplace. All voted “AYE” and the motion passed.

Resolution R-12-10 was read by title and summary given. R-12-10 expresses support for continuation of the Kentucky Waste Tire Trust Fund (WTTF). Ms. Williams stated that this resolution is the subject of Mary Dickey’s presentation at the beginning of the meeting and contains suggested changes to the Fund if the bill is passed. Commissioner Rehtin made a motion to adopt R-12-10, seconded by Commissioner Otto. Commissioner Hayden stated that he doesn’t like scrap tires any more than anyone else, but this resolution supports changes to the existing fund. He is concerned that the fund is sun setting, and thinks that it should be extended, but doesn’t feel comfortable approving this resolution without more details. Mary Dickey stated that after much discussion, these are the suggestions to be submitted to the legislature. The reason for the cap is that this year the Cabinet took almost 43% of the entire WTTF. The Fund collected receipts of \$2.5 million and the Revenue Cabinet took \$1.2 million for salaries, rent and utilities. Commissioner Rehtin asked about other sources of funds for the Revenue Cabinet. Ms. Dickey is not sure of the other sources of funding for the Cabinet, however she was told by the Commissioner of the Cabinet that the WTTF is supporting their operations. Commissioner Otto stated that the money should be coming back to the counties. He asked what other services are provided by the Cabinet. Ms. Dickey stated that the Cabinet reviews the solid waste annual reports and solid waste management plans, and administers grants for which they receive funding. Commissioner Otto stated that he likes the idea of some type of formula for disbursements to the counties. Ms. Dickey stated that they are working with various Representatives and other legislators on their requested changes. Commissioner Hayden agreed with the need for a cap on the Revenue Cabinet’s take. Judge Pendery suggested that the language in the resolution be amended to say “... and encourages consideration of the following changes ...” to make it clear that these are suggestions. Commissioner Rehtin amended his motion to include the suggested changes to the text of the resolution, seconded by Commissioner Otto. Commissioner Otto stated that obviously solid waste coordinators across the State are not happy with the current program; the most important issue to him is the need for a cap. He related a story of a huge pile of tires that caught fire and burned for a long time, resulting in a lot of environmental problems and expensive clean-up by Campbell County. Ms. Dickey stated that Solid Waste Coordinators are charged with protecting the public health and environment, and tires provide one of the best habitats for mosquitoes. She advised that the Revenue Cabinet banned tires from landfills, but had no plan for their disposal. Commissioner Hayden stated that he would support the resolution as amended. All voted “AYE” and the motion passed.

Resolution R-18-10 was read by title and summary given. R-18-10 designates the Northern Kentucky Planning Commission to serve as agent for enforcing the provisions and intent of Ordinance No. O-02-10. Ms. Williams advised that O-02-10 had a second reading earlier regarding the protection of Northern Kentucky Control Network Monuments. Commissioner Rehtin made a motion to adopt R-18-10, seconded by Judge Pendery. All voted “AYE” and the motion passed.

Resolution R-11-10 was read by title and summary given. R-11-10 amends the 2010 holiday schedule previously adopted by R-141-09 for Campbell County Fiscal Court employees to better coordinate with other County Departments. Ms. Williams explained that staff met with the PVA and County Clerk and found that some of their holidays were different than the Fiscal Court’s.

Since the offices are now in the same building, it is best to follow the same holiday schedule for office closures. Commissioner Rechtin made a motion to adopt R-11-10, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-14-10 was read by title and summary given. R-14-10 amends the "Shelter in Place" plan for the Campbell County Administration Building and Health Center located at 1098 Monmouth Street, Newport, Kentucky. Ms. Williams explained that the Shelter in Place plan is required for the County's facilities, and needs to be amended due to the move of the County offices and the addition of other offices in the new building. Naguanda Deaton has updated the plan and recommends its adoption. Commissioner Hayden asked why there is only one person assigned to each duty/responsibility; he suggested that there be a back-up person named. Since this is not time sensitive, Ms. Williams recommended tabling the resolution until the next meeting, in order to rework the plan. Jim Pfister asked what is the purpose of the Shelter in Place plan. Judge Pendery stated that in the event of certain kinds of disasters, public places should have a plan in place to protect the employees and the public. Chief Keith Hill stated that the Police Department has a Shelter in Place plan also. In the event of certain disasters, the people at a building shouldn't go out, they would have to shelter in the place where they are until it is safe to go outdoors. The plan ensures that people are assigned to various tasks such as shutting down the ventilation system, specifies a room for people to congregate and if necessary seal the room which should be equipped with water, food and a radio to monitor news reports. Ms. Williams stated that one of the reasons that it's important to have this plan for the County building in Newport, is its location near Trauth Dairy which uses chemicals in its production process.

Ms. Williams requested a motion to advertise, interview and hire seasonal employees for park maintenance, camping and concession and golf course maintenance for the upcoming 2010 park season. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

The next item on the agenda was for a motion to appoint a Maintenance Supervisor. Ms. Williams advised that staff is currently working on a recommendation for the Fiscal Court and requested that it be tabled to the next meeting.

Robert Horine read Resolution R-15-10 by title and gave a summary. R-15-10 expresses support for funding the expansion of the Northern Kentucky Convention Center. Mr. Horine explained that the Convention Center has been very successful since it opened in 1998. The Center has had to turn away business that it can't accommodate due to its size. The Convention Center Board has proposed a \$51 million expansion, however due to the economy they are requesting that the General Assembly be encouraged to set aside \$3 million for the planning phase of the expansion project. Commissioner Rechtin made a motion to adopt R-15-10, seconded by Commissioner Otto. Commissioner Rechtin pointed out that the only reason that the Convention Center operates at a profit is because it does not have any debt service. The debt if needed for an expansion should be paid for by the operator or users of the Convention Center. He stated that there will come a time when the State can no longer fund this type of project. The Convention Center can issue debt itself although they do not own the facility; it is owned by the State. Jim Pfister asked if Campbell County is on the hook for any money for this project. Judge Pendery replied that the County is not obligated. A study indicates that the Convention Center needs to

target a different niche of the market and an expansion is needed for that reason. The Center can show that the businesses in the general vicinity benefit and the economic effects of having the facility in northern Kentucky do pay off for the area. He stated that the facility itself was paid for by the State and operating costs are covered by the tenant – the Convention and Visitors Bureau. The State has been providing money to other centers in the State. The Northern Kentucky Convention Center is successful and is good for the area. Eric Hermes stated that the Convention Center is in Kenton County and wondered why this matter is being brought up in Campbell County; does it require approval of several counties? Judge Pendery stated that this is a lobbying effort that will benefit the community as a whole. When the request is presented to the legislature, they will ask if the community is backing the project. Mr. Hermes then asked if this has been presented in the form of a bill. Judge Pendery stated that he is not sure how it will be presented; they will probably try to get it into the budget. All voted “AYE” and the motion passed.

Resolution R-19-10 was read by title and summary given. R-19-10 authorizes the Judge/Executive to execute a professional services agreement with Cardinal Engineering Corporation in the amount of \$2,500 for preparation of a consolidation plat. Robert Horine explained that the County recently made the final payment on the bonds for the District Court Building on Columbia Street which is titled in the name of the Campbell County Public Properties Corporation. One of the requirements of the bond issue is that once it is paid off, the property must be transferred to Campbell County. The original jail building and the new jail addition are in the same situation where they will eventually need to be transferred. Having one consolidation plat for the entire parcel bounded by Columbia Street, Central Avenue and Sixth Street will simplify the process. Commissioner Hayden made a motion to adopt R-19-10, seconded by Commissioner Rehtin. All voted “AYE” and the motion passed.

Commissioner Otto commented that a lot of people have told him that they’ve gotten free flu shots at the Campbell County Health Center. He stated that since the Fiscal Court offices and the Health Center are in the same building, we have a better idea of what services the Health Center offers. Judge Pendery announced that the Health Department has given over 100,000 flu inoculations in Northern Kentucky, and they would like to do more. Commissioner Otto stated that a person just needs to call the Health Center to schedule an appointment for a flu shot free of charge. Jim Pfister stated that he did not know that you could get a free flu shot; they need to do a better job of advertising it. Commissioner Otto and Judge Pendery stated that there have been several articles and notices in the local newspapers about it.

Judge Pendery stated that the County’s revenues have dropped off dramatically, and it has taken a lot of steps to try to live within its means, including only giving raises to employees who are under contract, employees are paying more toward health care, vacated positions are not being filled, the paving program has been almost eliminated, and replacing equipment is being done on an emergency basis. In keeping with this they have decided that the previously authorized purchase of a clock to be installed in front of the Administration Building will be cut. As a result, the Fiscal Court is seeking other sources of funding for the clock and would like to offer the opportunity to name the clock in memoriam or in honor of someone. If anyone is interested in making such a contribution, they should contact the Fiscal Court.

Jim Seibert requested a motion to award bids for surplus County vehicles and other items. Staff recently accepted bids for surplus vehicles in order to dispose of them; a list of the successful bidders and vehicles was included in the Court's meeting packet. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to acknowledge for the record that the Treasurer and Occupational License Tax employee bonds are in place for 2010 as required by Kentucky Revised Statutes. Motion was made by Judge Pendery, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims and supplemental claim as presented for February 3, 2010. County Attorney James 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 Rehtin made a motion to adjourn, seconded by Judge Pendery. All voted "AYE" and the meeting adjourned at 8:13 p.m.

Attachments:

Ordinance O-02-10	Regulation of Control Network Monuments
Resolution R-13-10	Contract with Northern Kentucky Firefighters Association
Resolution R-16-10	Campbell County Parks Opening and Closing Dates for 2010
Resolution R-17-10	Rates for A J Jolly Park for 2010
Resolution R-12-10	Support for Continuation of Waste Tire Trust Fund
Resolution R-18-10	Designate Agent for Enforcement of O-02-10
Resolution R-11-10	Amend 2010 Employee Holiday Schedule
Resolution R-15-10	Support for Expansion of the Northern Kentucky Convention Center
Resolution R-19-10	Agreement with Cardinal Engineering for Preparation of a Plat
Claims and Supplemental Claim of February 3, 2010	

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer
Fiscal Court Clerk