

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

JANUARY 18, 2017

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, January 18, 2017 at 5:30p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Steve Franzen	County Attorney
Matt Elberfeld	County Administrator
Kim Serra	Assistant County Administrator
Marie Schenkel	Finance Director
Paula Spicer	Fiscal Court Clerk
Frank Spataro	Human Resources Director
Seth Cutter	Economic Development Manager
Colonel Craig Sorrell	Campbell County Police Department

The meeting was called to order at 5:30 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 January 4, 2017 were presented.

Commissioner Lampe made a motion to adopt the minutes, seconded by Commissioner Painter. Commissioner Coleman requested to make an addition to the minutes. During the discussion about health insurance, he raised a question in response to Commissioner Lampe about the process being thorough. He asked that the minutes reflect that when broker #4 did get their 45 minutes the entire committee was not present, only two of the four were there. So he would say that it was not a thorough process and he wants the minutes to reflect that. Steve Franzen stated that if they want to amend the minutes a motion should be made to amend the minutes which then must be sustained. Commissioner Coleman stated that he would make the motion.

Commissioner Lampe asked if Commissioner Coleman is amending the minutes with words that were spoken at the meeting, or what he intended to say at the meeting. Commissioner Coleman

stated that he did say it at the meeting but it was not reflected in the minutes and he wants it to be included and on the record. Judge Pendery stated that the minutes have to be short or they would be many pages. In this case he will second the motion. All voted “AYE” and the motion passed. Judge Pendery made a motion to approve the amended minutes, seconded by Commissioner Lampe. All voted “AYE” and the motion passed.

Dr. Mark Schweitzer, Campbell County Coroner, gave an update on the heroin epidemic from his perspective as Coroner. He was elected in 1998 and in his first 12 years in office there were a total of 5 heroin deaths. There were 9 deaths in 2011, 26 in 2012, 29 in 2013, 18 in 2014, 21 in 2015 and 19 in 2016. Total overdose deaths in 2011 were 33, the number fluctuated over the years and there were 51 in 2016. As the number of heroin deaths go down, deaths due to other opioids go up. Dr. Schweitzer stated that at a Drug Task Force meeting he learned that methamphetamine is the next battlefield while heroin is starting to fall out of favor. Dr. Schweitzer stated that most heroin deaths first start with an opioid addiction. He advised that Portland, Oregon has started a program where the state-funded healthcare system has stopped paying for synthetic opioids that are highly addictive and very ineffective. People who are on state Medicaid are some of the most at-risk for these types of addictions, and that the State needs to take bold action to deal with this crisis. He plans to get a meeting with the Governor to talk to him about the program in Portland and to see if Kentucky might look into it. He would like to come back at a future meeting and give an update on his efforts. Judge Pendery asked Dr. Schweitzer to talk about the medical examiner’s office. Dr. Schweitzer explained that the Campbell County Medical Examiner’s office was shut down in October, 2016. They handled 435 cases in that office. Bodies must now be sent to Frankfort for autopsy at a cost of about \$800 per body. He stated they cannot find a Medical Examiner. The State is supposed to have twelve to maintain its national accreditation; there have never been more than eight and now they are down to six, and it will get worse. He and his assistants are doing what they can but are not getting complete autopsies, which hampers law enforcement cases. Judge Pendery invited Dr. Schweitzer back to a future meeting for more information on this issue. He stated that it is difficult to find and hire medical examiners and that is why the State always had fewer than it should. Dr. Schweitzer agreed stating that they recently interviewed a pathologist for the medical examiner position, however Hamilton County and other places where she interviewed pay \$40,000+ more per year than Kentucky does. Judge Pendery thanked Dr. Schweitzer for his time and perspective.

Judge Pendery invited comments from the public. No one had signed up to speak, therefore he proceeded with the agenda.

Paula Spicer presented old business with a second reading of Ordinance O-01-17 by title and summary. O-01-17 amends Chapter 73 “Traffic Schedules” of the Campbell County Code of Ordinances to delete South Licking Pike from Schedule II: Speed Limits. Passage of this ordinance will establish a speed limit of 35 mph on all of South Licking Pike. Commissioner Lampe made a motion to adopt O-01-17, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

New business was then presented beginning with Resolution R-07-17 by title and summary. R-07-17 authorizes the Judge/Executive to execute a Subordination Agreement with Fifth Third

Mortgage Company for property located at 1098 Keating Drive, Cold Spring, Kentucky. Matt Elberfeld explained the Fiscal Court's road acceptance program whereby residents of a road that is not on the County maintained road list, would like to have it publicly maintained, must first bring it up to current subdivision specifications. Because this can be quite expensive, the Fiscal Court offers 10 year loans to property owners to finance the cost, secured with an assessment lien. In this case, the owners have a mortgage filed first, and the lien is second. In order to maintain its first position, the bank that is refinancing the mortgage has asked that the Fiscal Court subordinate its lien. The Fiscal Court will maintain its second lien position. The County Attorney has reviewed the agreement and recommends its approval. Commissioner Lampe made a motion to adopt R-07-17, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-09-17 was read by title and summary given. R-09-17 adopts and approves the execution of a Rural Secondary Program Agreement in the amount of \$100,368 between the Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid, for resurfacing of Nine Mile Road (CR1050). Commissioner Painter made a motion to adopt R-09-17, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-10-17 was read by title and summary given. R-10-17 authorizes the Judge/Executive to execute a listing contract with Colliers International Greater Cincinnati for sale of County-owned real property at 1011 Monmouth Street and 1002-1012 Saratoga Street, Newport, Kentucky. Commissioner Lampe made a motion to adopt R-10-17, seconded by Commissioner Painter. Commissioner Coleman asked why the Fiscal Court is listing its property with a Canadian company whose office is in Cincinnati, Ohio. He stated that there are realtors in Campbell County with which they could do business. Judge Pendery stated that there is a realtor in Campbell County that is with Colliers – Fred Macke. The Fiscal Court has a long-standing relationship with Mr. Macke. He stated that somebody somewhere else ultimately owns Mr. Macke's company, but you could say that about many companies. Commissioner Coleman suggested Coffman or Ken Perry realtors who are local. Judge Pendery stated that that would not be a basis for doing business with somebody. He added that over the years most of the work done by Mr. Macke for the Fiscal Court has been free and he has offered very considerable value to the Fiscal Court. Commissioner Coleman stated that he has a problem with not doing business with a Campbell County realtor. Commissioner Lampe stated that he understands that there is a local group of principals that operate out of Colliers' Cincinnati office – some are based in Cincinnati and some in Northern Kentucky. Colliers has a strong local presence, and it and Mr. Macke are well connected nationally; Mr. Macke has been a very effective broker for the Fiscal Court. Commissioner Coleman does not dispute that, but wants to keep the business in Campbell County. Judge Pendery stated that the Fiscal Court should choose somebody who it knows is going to do a good competent job. Judge Pendery called for a vote. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

A motion was requested to advance Sergeant Matthew Meyer from SG1 (\$29.64/hour or \$61,650 annually) to SG2 (\$30.53/hour or \$63,500 annually) effective February 10, 2017 in

accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Police Officer Jonathan Gemmell from PO4 (\$21.63/hour or \$44,990 annually) to PO5 (\$23.14/hour or \$48,139 annually) effective February 11, 2017 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Sergeant Nicholas Heiert from SG1 (\$29.64/hour or \$61,650 annually) to SG2 (\$30.53/hour or \$63,500 annually) effective February 10, 2017 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-08-17 was read by title and summary given. R-08-17 approves a job description for a new Heating, Ventilation and Air Conditioning Technician and authorizing corresponding amendments to the Administrative Code. Judge Pendery made a motion to adopt R-08-17, seconded by Commissioner Painter. Commissioner Coleman stated that the Fiscal Court did not give its employees a raise, so how can it hire a replacement at a higher pay rate than the person who retired. Mr. Elberfeld stated that the new position has a different position description. When he learned of the pending retirement, he met with Mike Braun, Facilities Director, and they discussed the department's needs. It was determined that the Fiscal Court spends the most money on a skilled trade, particularly with an HVAC contractor; he was unsure of the total amount spent per year. Instead of filling the vacancy as a general maintenance position, they proposed to hire an HVAC technician to save money spent on a third party. He stated that this resolution is simply to create the position. He stated that the new position could cost more but staff would only proceed with a recommendation if they know it will save enough money on what is spent on third party services to create an overall savings for the County. Commissioner Coleman stated that it sounds like a good idea, except for the fact that the Fiscal Court could not afford to give raises to present employees; how then can they afford to replace somebody at a higher rate of pay. Mr. Elberfeld stated that the salary would be offset by the lesser amount of money spent with a contractor. Judge Pendery stated that the new position is a different class and as long as it is explained properly, he thinks that employees would understand. He stated that the net effect of the hiring, if they make a hire, would be to save money making it more likely that there would be money for raises. Commissioner Coleman asked if they could compromise and not pay the new hire more than the person being replaced. He stated that the Fiscal Court does not have an HVAC person now and nobody can tell him how much is spent on HVAC, so is it going to be cost effective? Judge Pendery stated that if it is not cost effective they will not fill the new position. He stated that this is a different position; one job is being replaced with another with different qualifications and different salary scale and with the expectation that if they make the hire, they'd be saving money. Commissioner Coleman stated that people are generally not hired at the bottom of the pay scale. Mr. Spataro advised that the pay scale is \$39,000 - \$51,600. Commissioner Coleman stated that based on experience, he expects they will hire somebody at around \$50,000. Commissioner Painter stated that HVAC workers at the bigger companies make about \$88,000-\$120,000 annually. Staff wants somebody who has some qualifications that will lessen the need to call a contractor. Commissioner Painter stated that most of those workers do not have a 40-hour workweek and they would want a more

regular work schedule. Mr. Elberfeld stated that staff looked at how much is spent on different skilled trades and HVAC is the highest. Commissioner Coleman stated that he finds it hard to believe that somebody would leave an \$80,000-\$100,000 job for a \$40,000-\$50,000 job. Commissioner Painter agreed, but staff is trying to find somebody who wants a regular 40-hour workweek. He doesn't know if they'll find somebody but it's worth looking into. Mr. Spataro stated that the cost of a contractor is about \$75 per hour plus materials and travel costs. He pointed out that staff is trying to change the focus from emergency repairs to preventative maintenance and the pay range is not that different from that of the current employee. Staff felt that this was efficient and a wise change. Commissioner Coleman stated that the concept is wise, but can the Fiscal Court afford it, if they could not afford raises for employees. He then asked if they had somebody in mind for this position and he was told no. Judge Pendery stated that if by spending a little more on payroll they can reduce other expenses by a greater amount, then they can save money. If it turns out that the cost to hire somebody is so great that the expected savings do not materialize they will not do it. Commissioner Coleman stated that they should first determine how much is being spent on HVAC. Judge Pendery pointed out that this resolution simply approves a job description. Ms. Schenkel stated that the Fiscal Court has spent over \$50,000 with DeBra-Kuempel on HVAC and that is just one vendor. The salary for the new position would supplant some of that cost by performing preventative maintenance at a lower hourly rate. Commissioner Coleman stated that he sees the premise, but his first reaction was that he was disappointed that they did not give employees a raise and if he was an employee he'd be questioning the creation of a new position at a higher rate. Judge Pendery stated that he would be happy to explain this to the current employees. Commissioner Coleman stated that in spring 2016 he was told that there would be a deficit and he voted accordingly on some issues. However, they ended with a surplus of how much. Ms. Schenkel stated that it was about \$400,000. Judge Pendery stated that the Fiscal Court should be congratulated for avoiding a deficit. Commissioner Coleman asked why employees weren't given a raise. Judge Pendery explained that the Fiscal Court is expecting another deficit next year; the surplus was due mostly to timing differences and he gave an example. Commissioner Lampe stated that employee raises are not just a one-time expense; it recurs every year. If a raise of 1% was given it would be for that year and affect the following year. He then thanked Ms. Schenkel and Ms. Serra for explaining the job description and answering his questions prior to the meeting today. Judge Pendery called for a vote, explaining that some of them have another meeting to attend. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

A motion was requested to authorize staff to advertise, accept applications and interview to fill the Heating, Ventilation and Air Conditioning (HVAC) Technician position. Motion was made by Judge Pendery, seconded by Commissioner Painter. Mr. Elberfeld stated that the previous resolution was to create the position in the Administrative Code and this motion will authorize staff to begin looking to fill the position and bring it back to the Fiscal Court for approval. Commissioner Coleman added that the position would only be filled if it would save money. Mr. Elberfeld agreed that he would not bring it back to the Fiscal Court if it didn't save money. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

A motion was requested to appoint John Muller to the Northern Kentucky Area Development District Board of Directors to fill the unexpired term of Ken Rehtin effective January 19, 2017 through September 30, 2017. Motion was made by Judge Pendery, seconded by Commissioner Lampe. Commissioner Coleman stated that he appreciated the bio that Judge Pendery sent out on a previous board appointment; it was very helpful. He does not know anything about this person. It is helpful to have information on an individual before making an appointment. Both Commissioners Lampe and Painter stated that they know Mr. Muller, but agreed that it would be good to have information prior to the appointment. Judge Pendery stated that he will do better in the future and stated that if Commissioner Coleman has questions about something on the agenda, he should ask and he will get an answer for him. All voted "AYE" and the motion passed.

A motion was requested to reappoint Joe Kramer and Brett Ruschman to the Campbell County Economic Progress Authority for a four-year term effective February 1, 2017 through January 31, 2021. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Judge Pendery announced that the Campbell County Fiscal Court and Mayors meeting will take place on January 24, 2017 at 6:00pm at the Northern Kentucky University Student Union, Conference Room 109.

Marie Schenkel requested a motion to approve budget transfers for January 18, 2017. Ms. Schenkel stated that the transfers don't change the overall budget, it only reallocates certain funds. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Ms. Schenkel then requested a motion to approve the claims and supplemental claims as presented for January 18, 2017. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. Commissioner Coleman asked if the Fiscal Court has contracts for snow removal because they did not have one last year. Ms. Schenkel responded that it does have a contract. Commissioner Coleman stated that he was told that they do not have a contract for the Administration Building, the Jail and the Senior Center lots. Mr. Elberfeld explained that when the bid specifications are let and a business submits a bid and signs the bid acceptance, they are agreeing to the terms set out by the Fiscal Court for snow removal. He stated that it is not a contract in the traditional sense, but all bidders receive specifications and by bidding agree to abide by those terms. Commissioner Coleman asked if the Fiscal Court voted on it. Mr. Elberfeld stated that the last time it was bid, Commissioner Coleman may not have been on the Fiscal Court. Snow removal services are let out to bid every 3-5 years. 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 6:16 p.m.

Attachments:

Ordinance O-01-17 Amend Traffic Schedules (Speed Limits)
Resolution R-07-17 Authorize Subordination Agreement
Resolution R-09-17 Authorize Agreement with KY Department of Transportation
Resolution R-10-17 Authorize Listing Contract with Colliers International
Resolution R-08-17 Approve Job Description for HVAC Technician
Budget Transfers January 18, 2017
Claims and Supplemental Claims January 18, 2017

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk