

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

June 21, 2006

A special meeting of the Campbell County Fiscal Court was held at 5 p.m. prior to the regular Fiscal Court meeting. The meeting was called to order by Commissioner Otto at 5:10 p.m. Commissioner Otto made a motion to enter executive session pursuant to KRS 61.810 (1) (b) deliberation on the acquisition of real property, and Commissioner Hayden seconded. All voted "AYE," and the motion passed unanimously. Judge Pendery entered the session at 5:20 p.m. Some time later, a motion to come out of the session was made by Commissioner Otto, and seconded by Judge Pendery. All voted "AYE" and the motion passed unanimously. A motion to adjourn was made by Commissioner Rechtin, and seconded by Commissioner Otto. All voted "AYE," and the meeting adjourned at 5:40 p.m.

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, June 21, 2006, at 5:30 p.m., at the at the Fiscal Court Conference Room, 24 W. 4th Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
KENNETH RECHTIN
MARK HAYDEN
DAVE OTTO

Laurie Dowell
Robert Horine
Keith Hill
Ken Knipper
Melissa Williams
Greg Buckler
Tasha Wilder

Assistant County Attorney
County Administrator
Chief, Campbell County Police Department
Office of Emergency Management Director
Administration Director & Acting Fiscal Court Clerk
Jailer
Meeting Recorder

Judge Pendery called the meeting to order at 5:40 p.m. A moment of silence was called for by Judge Pendery, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Judge Pendery presented the minutes from the Fiscal Court meeting of May 31st, 2006. Commissioner Otto made a motion and Commissioner Rechtin seconded to approve the minutes of May 31st, 2006. All voted "AYE" and the motion passed unanimously.

Judge Pendery then asked if there was anyone present who would like to address the Court on any other issues. Sharley Rose, a citizen of Campbell County, addressed the court on three issues. She stated her first issue is with the County's excessive noise Ordinance. She claims that ATVs and other motor vehicles, like snowmobiles and mini-bikes, are not addressed in the Ordinance. She would like: regulations on the noise level of these vehicles, regulations on the time of day/days of the week they can be driven, and regulations on how close they can be used to property lines. Commissioner Hayden then asked if the vehicles were being driven on her property or on adjacent property. Ms. Rose answered they were being driven very near to her property. Her second issue is the blight conditions of Campbell County. She would like to see a system where blight conditions were followed up on within 60 days. She then inquired as to what the County Blight Inspector does in his job capacity. Commissioner Hayden replied that the County has a blight reporting system, and if citizens see area of blight, they need to obtain an address and report it through our inquiry system. Judge Pendery reiterated that unless someone calls and complains, we do not take action because we do not have inspectors who canvas the county. Ms. Rose asked again what the Blight Inspector does. Judge Pendery answered that he (Reno Deaton, the Blight Inspector) responds to the complaints. He also stated that as a government, you hope that issues such as this would be resolved among neighbors, rather than the government having to step in. We only want to step in when someone is harboring a hazard, safety-wise, to the public. Ms. Rose stated or if it is decreasing the property values. Judge Pendery reiterated that a citizen has to bring it to our attention before the county government assumes the neighbors are not working it out. Our Inspector would then come and check it out. Ms. Rose stated she hoped our Blight Inspector could periodically make inspections. Judge Pendery stated there is another angle to this issue. When we go out in the field and give a citation and an individual defies the Court's wishes, the recourse is eventually to go to Court. Judges often feel there are more important issues than this and often, nothing happens. Many times the people who abuse this privilege are the same people that understand there is not much we can do about it. Our tools to manage this situation are sort of clumsy, and we give it our best effort when someone brings it to our attention. Ms. Rose asked if it would be possible for the Fiscal Court to educate the Judges on this issue. Judge Pendery stated that eventually these issues get heard, but that Judges possibly do not attach the same value. Commissioner Otto offered in 1992, the Fiscal Court passed a Blight Ordinance labeled 0-08-92, and it was patterned after the state ordinance. He added that he had never seen so many people come out in opposition of a County Ordinance. People felt their Federal Constitutional Rights were being violated. On the other side, people were saying junk can harbor rodents or be a safety concern for children getting locked inside. No matter what the Court said, it did not convince people that their rights were not being taken away. Ms. Rose asked if the Court modified the Ordinance. Commissioner Otto stated the Ordinance was modified. Commissioner Otto added that another project that has helped with the issue of blight is the County-wide Clean-up. Coordinating the Clean-up is another function of the County Blight Inspector. Commissioner Rechlin added that cities were granted the authority, by the State, to set up Code Enforcement Boards, separate from the judicial system. Dayton and Newport have both done so. There are three to five members on the Board. This just began 6-7 years ago. He stated he was not sure if the counties have the authority to do so. Melissa Williams agreed to look into this, and stated that anything the City Code Board decides is then upheld at the District Court level. The third issue is with the Nudity Ordinance being very sexist in nature. She stated that if female breast exposure is regulated then male breast exposure should be regulated as well, and there should be no difference based on

gender. Melissa Williams stated we may need to send this issue to the County Attorney's office to get a legal interpretation. Ms. Rose stated she had gotten a legal interpretation on the issue, and that the county really needs to change the ordinance. She stated that a county government cannot be sexist and there is no exception on it. She does not want to see men with their shirts off because it is vulgar. She stated if there is an ordinance for women, there needs to be one for gentleman also. She stated that discrimination action under the present ordinance will be forthcoming. She also asked if she could receive a response to this issue as soon as possible. Assistant County Attorney Laurie Dowell stated she would bring it to the County Attorney's attention.

Judge Pendery then requested items of Old Business be brought before the Court. There were no items brought forth.

Judge Pendery next requested items of New Business be brought before the Court. Melissa Williams, Director of Administration, presented the first item of business Resolution R-97-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Judge/Executive to submit an Application for a Land and Water Conservation Fund (LWCF) Grant Funds for construction of a multi-purpose trail within A.J. Jolly Park. The grant is a 50% match grant in which the county is applying for \$75,000. The County match will be contributed by in-kind labor and equipment usages. The pathway would be located in the main picnic area of Jolly Park. She stated there is a public hearing on this issue, if we would decide to go forward with this grant application tonight. Commissioner Rechlin made a motion, and Commissioner Hayden seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next presented Resolution R-95-06, which she read by title and provided a summary to the Court for its consideration. She stated that the Resolution authorizes the Judge/Executive to execute a contract with Joni Mallory, DBA Royal Guard Cleaning Company to provide general cleaning services at the Campbell County Senior Center for FY07. She stated this is a renewal contract, and there is not a change in cost or responsibilities. Commissioner Otto made a motion, and Commissioner Rechlin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then presented Resolution R-98-06, which she read by title and provided a summary to the Court for its consideration. She stated that the Resolution authorizes the Judge/Executive to execute a contract with the Campbell County Firefighters Educational Association for funding for FY07. She stated this is a renewal contract and is for the same amount as last year. Commissioner Rechlin made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then presented Resolution R-94-06, which she read by title and provided a summary to the Court for its consideration. She stated that the Resolution acknowledges the submittal of two applications for County Road Aid Emergency Funds to correct slide areas on Covert Run Pike and for Blangey Road. She stated the total request was for \$217,000. She added there was a due date required and the Court originally submitted these as discretionary fund applications and we were advised to resubmit them as emergency requests. We are

requesting authorization to acknowledge that. Judge Pendery made a motion, and Commissioner Rechtin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next presented Personnel items. She requested a motion to increase the annual compensation of all eligible employees of the Campbell County Fiscal Court by 4.25% (1.75% Cola and 2.5% step in grade), to be effective with the pay period beginning June 25, 2006. Employees are eligible for a grade in step increase if they have received a satisfactory performance evaluation, have been in their current position six months. Employees covered by AFSCME and FOP agreements are bound by the cost of living and step in grade increases per their agreements. Judge Pendery made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to acknowledge the appointment of Michael McClanahan to the position of Seasonal Park Maintenance worker, at \$9.45 an hour, effective June 12, 2006 through the 2006 Park Season. She stated this individual replaces a seasonal employee that has resigned. Judge Pendery made a motion, and Commissioner Rechtin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to appoint Michael Barnes to the position of Seasonal Park Maintenance worker, at \$9.45 an hour, effective June 21, 2006 through the 2006 Park Season. Judge Pendery made a motion, and Commissioner Rechtin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to nominate Carla Austin to serve on the Campbell County Local Board of Health. She stated the nomination will be submitted to the Kentucky Cabinet for Health and Family Services for consideration. She added we are requesting Ms. Austin fill an open position for a Medical Doctor that we have had open for a long period of time. The State has indicated they would give this just consideration. Judge Pendery made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to appoint Julie Hopkins to the Tri-ED Board of Directors to a three year term, effective July 1, 2006 through June 30, 2009. Judge Pendery made a motion, and Commissioner Hayden seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to appoint Richard Hoskin to the Campbell County & Municipal Planning & Zoning Commission to fill the unexpired term of Don Girton, who has resigned. The appointment will be effective immediately through June 30, 2008. Judge Pendery made a motion, and Commissioner Rechtin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to reappoint Lee Hopkins to the Northern Kentucky Area Development District (NKADD) Council on Aging for a two year term, effective July 1, 2006

through June 30, 2008. Judge Pendery made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to reappoint Marsha Dufeck to the Northern Kentucky Area Development District (NKADD) Council on Aging for a two year term, effective July 1, 2006 through June 30, 2008. Judge Pendery made a motion, and Commissioner Rehtin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to reappoint Kathy Jones to the Campbell County Extension District Board for a three year term effective June 30, 2006 through June 29, 2009. Judge Pendery made a motion, and Commissioner Rehtin seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to reappoint Judy Ihrig to the Campbell County Extension District Board for a three year term effective June 30, 2006 through June 29, 2009. Judge Pendery made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to appoint James Schwalbach to the Central Campbell County Fire District Board of Trustees to fill the unexpired term of Dan Stellar, who has resigned. The term of office shall be effective immediately through June 30, 2008. Judge Pendery made a motion, and Commissioner Hayden seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms Williams then requested a motion to reappoint Earl Gries to Fire Protection District #6 (Melbourne) Board of Trustees for a three year term, effective July 1, 2006 through June 30, 2009. Judge Pendery made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms Williams then requested a motion to reappoint Al Strole to Southern Campbell County Fire District Board of Trustees for a three year term, effective July 1, 2006 through June 30, 2009. Judge Pendery made a motion, and Commissioner Hayden seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Judge Pendery next requested reports from Staff. County Administrator, Robert Horine, presented Resolution R-100-06, which he read by title and provided a summary to the Court for its consideration. He stated that the resolution authorizes the Judge/Executive to execute an agreement with Campbell County Consolidated Dispatch Center to pay for the lease space for two antennas on the Sprint tower in Grants Lick. On this issue, the three counties received \$3.1 million in Homeland Security funds to establish a microwave communication system that will ultimately link all the dispatch centers in the region and allow for seamless communications during emergencies. The problem with the federal grant is it paid for the equipment, but it did not pay for the lease of any property to install the equipment. There are in the process of implementing the system right now and they need to install two radio frequency antennas on the Sprint Wireless tower at Grants Lick. The bottom line is somebody needs to pay the rent for the

antenna to be used. The dispatch board took a look at the issue and until the unit is fully up and operational, there is no direct benefit to the dispatch organization. It is essential that they get it in now, so they can start testing the system and eventually build it the other pieces. Eventually, it will benefit dispatch, in that they will be able to use the microwave system instead of T1 lines. They will then have a savings in getting rid of the T1 line. At that point, it is expected that they would pick up the cost of leasing the space for these antennas. At this point, they have come to us, and asked that the Fiscal Court absorb the cost of the rent for these antennas. It has been set up so that dispatch has an existing lease on this tower because they do already have some other equipment on the tower. Sprint is willing to allow this to be added on under the terms of their existing lease. If we obtained a new lease, it would cost more than the \$500 a month for these antennas. We recommend an agreement to lease space on this tower at \$500 a month or \$6,000 a year until such time as the system becomes operational and they can get rid of the T1 lines. Commissioner Rehtin asked how soon the dispatch center would pick up the cost of the rent. Mr. Horine then asked Ken Knipper, Office of Emergency Management Director, how long it will take to implement the whole system. Mr. Knipper stated that the target completion date on the project was June, but there were a few problems with the project. The new expected completion date is August. Mr. Horine added it was possible the rent would not be absorbed by dispatch even in August because they need another location in the Alexandria area. This will hold things up for awhile because our radio tower behind the courthouse cannot hold microwave dishes without strengthening, and they do not have line of sight for either water tower in the area. There is a hole in the system that we do not have solved yet. We would like to keep the process moving and that is why we recommended Resolution R-100-06. Commissioner Otto made a motion, and Commissioner Hayden seconded. There being no further discussion, all voted "AYE," the motion was unanimously approved.

Assistant County Attorney Laurie Dowell stated she had nothing to report.

Commissioners Rehtin, Hayden, and Otto stated they had nothing further to report.

Judge Pendery then announced a special meeting of the Fiscal Court, June 30th at Noon. This meeting will cover end-of-the Fiscal Year business items. Mr. Horine added this meeting would likely cover just claims.

Judge Pendery then asked for a report from the Fiscal Director. Judge Pendery noted Jim Seibert, Director of Fiscal Affairs, absence and asked if Mr. Horine was covering the report. Mr. Horine then presented for second reading and passage consideration Ordinance O-04-06, which he read by title and provided a summary to the Court for its consideration. He stated this Ordinance relates to the 2005-2006 annual budget and amendments thereof. This is simply the budget revision that was required as a result of the sale of bonds to finance the jail construction. We recommend your approval. Commissioner Rehtin made a motion, and Commissioner Hayden seconded. There being no further discussion, all voted "AYE," the motion was unanimously approved.

Mr. Horine then presented for second reading and passage consideration Ordinance O-08-06, which he read by title and provided a summary to the Court for its consideration. He stated this Ordinance relates to the annual budget and appropriations of Campbell County, KY for the

Fiscal Year 2006-2007. This is the budget for the coming year, and following first reading it was sent to the Governor's Office for Local Development. They have approved it, and it is back before the Court for your approval. Commissioner Rehtin made a motion, and Judge Pendery seconded. There being no further discussion, all voted "AYE," the motion was unanimously approved.

Mr. Horine then presented Resolution R-96-06, which he read by title and provided a summary to the Court for its consideration. He stated this Resolution authorizes the adoption of the FY07 budgets for the Public Properties Corporation for the Golf Course, Housing Department, Lakeside Terrance Senior Apartments and the Public Properties Fund. These budgets are separate from the county's General Fund budget, and need a Resolution to authorize them for 07. Commissioner Rehtin made a motion, and Commissioner Otto seconded. There being no further discussion, all voted "AYE," the motion was unanimously approved.

Mr. Horine then presented Resolution R-99-06, which he read by title and provided a summary to the Court for its consideration. He stated this Resolution authorizes the Judge Executive to execute a Customer Support Agreement with Information Design, Inc. for the AS/400 System. This is an annual renewal of the contract at the price of \$2400 a year to maintain system. Commissioner Otto made a motion, and Commissioner Rehtin seconded. There being no further discussion, all voted "AYE," the motion was unanimously approved.

Mr. Horine next requested approval of the Claims being presented at this meeting. Assistant County Attorney Laurie Dowell stated that County Attorney Justin Verst had reviewed the Claims, and they appeared to be appropriate. Commissioner Otto made a motion that the Claims be approved and paid. Judge Pendery seconded the motion. There being no further discussion, all voted "AYE," and the motion passed unanimously.

There being no further business to come before the meeting, it was moved by Commissioner Otto, seconded by Judge Pendery, that the meeting be adjourned. All voted "AYE" and the meeting adjourned at 6:14 p.m.

Attachments:

Ordinance O-04-06:	Adopts budget amendment for FY06 budget
Ordinance O-08-06:	Adopts FY07 Budget for Campbell County Fiscal Court
Resolution R-94-06:	Acknowledgement of submittal for County Road Aid Emergency Funds
Resolution R-95-06:	Contract for cleaning services at Campbell County Senior Center
Resolution R-96-06:	Adopts FY07 Budget for Public Properties Corporation
Resolution R-97-06:	Application of Land and Water Conservation
Resolution R-98-06:	Contract with Campbell County Firefighters Educational Association for FY07 funding
Resolution R-99-06:	Agreement for service with Information Design, Inc.
Resolution R-100-06:	Agreement with Campbell County Consolidated Dispatch Center
Claims:	June 21, 2006

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

MELISSA WILLIAMS
Fiscal Court Clerk- Acting

TASHA WILDER
Recorder