

CAMPBELL COUNTY FISCAL COURT MINUTES

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 3, 2003, at 7:00 p.m. at the Alexandria Courthouse, Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

**COUNTY JUDGE/EXECUTIVE
STEVE PENDERY**

**COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN
WILLIAM VERST**

Robert Horine	County Administrator
Jim Seibert	Fiscal Director
Justin Verst	County Attorney
Keith Hill	Assistant Chief, Campbell County Police Department
Darlena Brown	Director of Housing
Melissa Williams	Director of Administration

The meeting was called to order at 7:00 p.m. by Judge Pendery. 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 special Fiscal Court meeting of November 18, 2003. It was moved by Commissioner Otto and seconded by Commissioner Rechtin that the minutes of the Fiscal Court meeting of November 18, 2003 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery stated that at the November 18, 2003 meeting, a resident of the County addressed the Fiscal Court regarding an emergency medical need at his residence. Judge Pendery stated that the resident was understandably distraught over the death of his daughter and, in the course of his addressing the Court, made a charge that the readdressing project in Campbell County may have added some time to the dispatch of an emergency unit to his house. Judge Pendery noted that at that meeting the Court was taken aback by the charge and expressed its concern and heartfelt regret to the resident, but resolved to follow-up on the matter and investigate it. He stated that when a dispatch is made, the entire conversation is recorded and the tapes of that conversation are available for review. After reviewing the tape of the emergency medical call, and interviewing the personnel who were on duty that evening, it was determined that there was no confusion of any kind over the address or the dispatch to the residence, concluding that the readdressing system did not play a role in the tragedy. He stated that the Court continues to express its condolences for the resident's loss, and felt it was only fair that the results of the

Court's investigation be made known since the subject was addressed at a Fiscal Court meeting. Judge Pendery advised that County residents should have confidence that the system works properly now and will continue to work properly in the future.

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

Judge Pendery next introduced Sam Beverage, Chief District Engineer for District Six, which is the district of the Kentucky Department of Transportation that serves the Campbell County area. Mr. Beverage thanked the Fiscal Court for inviting him to the meeting and gave his appreciation for how well the Court and its staff have been a pleasure to work with. He distributed County maps showing projects for the 6-Year Plan for the County; each project having an item number assigned to it. The project on U.S. 27 (Item No. 6-46.10) is a \$22 million project. Everything is set to go on this project; the right-of-way is bought and the project is presently scheduled for March 12, 2004, although that date may change if projects are delayed. The project to replace the bridge on Owl Creek (Item No. 6-1055) is scheduled for March 12, 2004. The project landslide repair on Route 8 (Item No. 6-5003) is also scheduled for March 12, 2004. The project from A.J. Jolly Park south on U.S. 27 (Item No. 6-46.2) is scheduled for September 17, 2004. Mr. Beverage noted that the Department of Transportation has done a lot of slip repairs this year in the right turn lane on the AA Highway coming onto U.S. 27, and concrete repairs on I-471 to the Big Mac Bridge. He stated that approximately two weeks ago, a new list of bridge projects was submitted to Frankfort for future funding. Those projects are: (1) Ky. 8 over 12 Mile Creek, approximately ¼ mile southeast of 1566, a \$1.8 million replacement project; (2) Ky. 2921, Washington Trace, lower tributary to Branch Creek, approximately 2/10 mile north of County Rt. 5007, a \$680,000 project; (3) Ky. 10 over 12 Mile Creek, approximately 1/10 mile southeast of 1997, a \$1.9 million project, (4) County Rt. 5316, Dodsworth Lane, a bridge over Duck Creek, just southeast of Ky. 8. Other projects that were submitted this past summer for evaluation and appear to be within the guidelines for paving next year are Ky. 1892, Carothers Road, 4th and 5th Streets on Ky. 8, and Ky. 9 from the overpass to the concrete near I-275. A project that is already being worked on is on Ky. 8 from Silver Grove to Rt. 1998, which is a safety project. Mr. Beverage then stated that he would like to get comments and approval on the Transportation Cabinet's Rural Secondary Program. He noted that 7.7% of all the state road funds goes to municipalities, 18.3% of the state road fund goes to counties such as Campbell as a block grant, and 22.2% of the state road fund is used for the rural secondary routes that the state maintains. The allocation of funds for next year is \$442,638, which is the same amount that was allotted last year. Routine maintenance and traffic has been allocated at \$195,900, which is the amount of money the County would use for snow and ice maintenance, fixing potholes, and other maintenance. The balance left to complete resurfacing projects would then be \$242,876. The proposed projects are to resurface Ky. 824 (Racetrack Road) from U.S. 27 to Ky. 1121 at a cost of \$131,000, Ky. 547 (Four Mile Road) from Old Four Mile Road to Old Nelson Road at a cost of \$43,300, Ky. 2828 (Ivor Road) from Ky. 9 to the Pendleton County line at a cost of \$25,800, Ky. 1936 (Kenton Station Road) on the west side of the County beginning at Rt. 536 and going south at a cost of \$76,800, Ky. 1121 (Persimmon Grove Pike) from California Cross Road to Burns Road at a cost of \$60,500, and Ky. 1936 (Kenton Station Road) from Lees Road at a cost of \$91,100. Mr. Beverage stated that in order to present this Rural Secondary Program to Frankfort, the Cabinet would need approval by the Fiscal Court.

Judge Pendery asked if anyone had questions for Mr. Beverage. Commissioner Rehtin asked if there was any indication when the project on 10th Street (Item 6-1029) would be completed. Mr. Beverage responded that only peripheral work was being done now, including utilities, and he could not give a completion date, but suggested that it should only take approximately 6 months.

Judge Pendery asked Mr. Beverage about a road that had recently been resurfaced that he thought was a state maintained road and was not in as bad of shape as a nearby road. He questioned why that road would be resurfaced before one that was in worse shape. He noted that, depending on the jurisdiction that is responsible for maintenance of a road, there may be an accelerated or improved program of maintenance, but asked what sort of criteria the Transportation Department applied when it determines which roads should be resurfaced. Mr. Beverage stated that the Rural Secondary funding generally is based on a formula and the Transportation Department does not have any control over how much it gets unless it is through legislative action. The 22.2% used for rural secondary routes is set by the formula. The criteria the Transportation Department uses are to evaluate the roads for deviations and then come up with replacement number for all those roads. This is done for approximately 100 different roads in the district each year, of which approximately 30-35 get paved each year. On rural secondary roads, it is usually a judgment call, by taking citizens and public officials suggestions. The roads are then rated individually, using the expertise of the Transportation Department. He noted that there are 50.1 miles of rural secondary roads that the State maintains in Campbell County and the Transportation Department will be repaving 6.8 miles, which is a resurfacing cycle of less than 10 years. There are also other factors to be considered in determining which roads to repave such as amount of traffic and types of traffic.

Commissioner Otto stated that the Fiscal Court has always had a good working relationship with the Transportation Department and that it is good to hear the Department has inspected all the roads in Campbell County.

Judge Pendery stated that the information Mr. Beverage presented would be shared with the Road Department and, after reviewing the information, would get back to Mr. Beverage with any action that is required. He thanked Mr. Beverage for his presentation.

Judge Pendery next requested items of Old Business be brought before the Court. Ms. Williams reported that there was no Old Business to be acted on at this meeting.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was a motion to acknowledge the November 24, 2003 Proclamation honoring the "Campbell County High School Band of Pride." This Proclamation was read at the Campbell County High School Board meeting. The Band recently placed 4th in the Band of Americas Grand Nationals held in Indianapolis. Judge Pendery stated that this Band was also selected, based on their performance this past year, to perform at the Gubernatorial Inauguration on December 9, 2003, and congratulated the Band on its accomplishments. There being no further discussion, Commissioner Otto made a motion and Commissioner Verst seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Ordinance O-23-03 for first reading. She explained that this Ordinance provides for a county-wide keg law that imposes criminal penalties for allowing minors to consume alcoholic beverages on an individual's property. She noted that the Ordinance is being recommended by County Attorney Justin Verst, who was present to answer any questions. Mr. Verst commented that the reason he proposed the Ordinance was due to the increasing number of complaints he had received from parents in both unincorporated areas of the County and in cities that do not have such an Ordinance. The complaints ranged from wild parties with kids getting into fights, physical assaults, and sexual assaults among 14 to 17 year olds. He stated that there are a lot of parents in the County who have not gotten the message that allowing the underage drinking on their premises is illegal, and that it will be prosecuted. This Ordinance will place additional responsibility on that conduct by adults, by holding the adult responsible not only if they actually knew and provided alcohol to underage kids on their property, but if they allowed the underage kids to have possession of their property under circumstances that a reasonable and prudent parent should have known that a violation was likely to occur. Mr. Verst suggested and requested to parents that they not throw the type of party to provide alcohol; if they do have a party, make sure that alcohol is not on the premises; make sure they check to see that kids do not have coolers in the weeds, cars, or pick-up trucks; if their child is going to a party at another residence, check things out by making sure there will be parental supervision, make sure as best you can that there will not be alcohol provided; and most importantly, if a parent finds out that their child went to such a party or they hear of such a party where alcohol was provided to underage kids, be willing to get involved by contacting the police, the parents, and the County Attorney's office. He stated that it is not just the conduct that occurs at these parties, but the kids may leave the parties after consuming alcohol and get behind the wheel of a car and have an accident. Parents who get involved may be saving someone's life. Commissioner Verst commented that in the Ordinance there is a sort of safety valve where if a parent comes home and their child is throwing a party where alcohol is being provided, if the parent contacts the police within an hour of this knowledge, this provides that parent a defense mechanism by which they can control the circumstances. Mr. Verst stated that he had received many phone calls from various officials who have been very supportive of the keg law ordinance. Judge Pendery noted that many members of the communities that have had a keg law are all comfortable with this Ordinance. Ms. Williams stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Ms. Williams then presented Resolution R-132-03, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution approves a budget revision to be submitted to HUD for the Department of Housing in the amount of \$76,200 for rental payments that will enable 100% unit utilization through the remainder of fiscal year 2004 for the Campbell County Housing Program. She noted that Darlena Barnes, Housing Director, was present to answer any questions. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-132-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-134-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes a contract

addendum for 2003-2004 with St. Joseph Church, Camp Springs Ky. and the Campbell County Fiscal Court to provide snow and ice maintenance service for the Church's entrance road, at the rate of \$30 per winter maintenance trip. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Verst seconded, to approve Resolution R-134-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to authorize staff to advertise, interview and hire for the Administrative Assistant position in the Department of Housing. She explained that this vacancy is due to the resignation of Virginia Bauman. There being no further discussion, Judge Pendery made a motion and Commissioner Rechtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-136-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution sets the 2004 Holiday Schedule for Campbell County Fiscal Court employees, unless specific rules hold otherwise, such as contracts with the Road Department or FOP. There being no further discussion, Judge Pendery made a motion and Commissioner Verst seconded, to approve Resolution R-136-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to appoint Judge Steve Pendery to the OKI Regional Council of Governments for calendar year 2004, with Melissa Williams serving as his alternate. There being no further discussion, Judge Pendery made a motion and Commissioner Rechtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Frank Mazzei to the Northern Kentucky Convention and Visitors Commission to fill the unexpired term of Jack Haller, who has resigned. She explained that the Northern Kentucky Convention & Visitors Bureau had informed the Court of Mr. Haller's resignation and that the Northern Kentucky Restaurant Association is recommending the appointment of Mr. Mazzei. Mr. Mazzei is affiliated with Pompilio's Restaurant in Newport and is very interested in serving in this position. The appointment would be effective immediately through July 31, 2004. There being no further discussion, Commissioner Rechtin 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. Mr. Horine advised he had nothing further to report at this meeting.

Judge Pendery then requested a report from the County Attorney. Mr. Verst reported that he had nothing further to report.

Judge Pendery next requested reports from the Commissioners. Commissioner Otto commended President Bush for his trip to Iraq on Thanksgiving, noting it was a courageous thing to do. He also wished the Highlands High School Bluebirds the best of luck in their upcoming championship game, noting that the Court holds two Highlands graduates. He also welcomed everyone to come to the Christmas Tree lighting on Sunday, December 7, at 5:30 p.m., in Ft. Thomas. Commissioner Rechtin also wished the Blue Birds good luck and stated he was proud

to see a local school go as far as the championship game. Commissioner Verst stated he had nothing to report at this meeting.

Judge Pendery then announced that the Fiscal Court and the Extension Office will be hosting the annual Holiday Program and Visit with Santa Claus on Friday, December 5, 2003 at 7:00 p.m. at the Campbell County Extension Office in Highland Heights. He also announced that the Fiscal Court will make available the Christmas tree mulching program again this year and that further details will be forthcoming on collection dates and drop-offs for that program. He then reported that a new set of brochures were available to market the Technology Commercialization Triangle. He explained that Northern Kentucky University is the fastest growing university in the State of Kentucky, which graduates more IT students than any other university in the State, and those who are interested in the health and vitality of their community's future are interested in economic development. Northern Kentucky University's strengths can be harnessed to attract businesses into the area which will prove the economic development posture of Campbell County, that will help to attract high paying jobs into this area. These new businesses will not involve an industrial park or a conversion of residential use to commercial, but will be scattered in areas that are already properly zoned. The cities of Wilder, Highland Heights and Cold Spring have joined with the County and the University in this proposition and have identified numerous sites that would be marketed along with the Program. Tri-County Economic Development, which does economic development for the three Northern Kentucky counties, has a grant from the State and match money available for a program that will develop a marketing campaign to carry forward the prospects in this endeavor. He stated that the Fiscal Court was very proud to be a part of this Program, noting that this is a long term project that will endure over a number of years, but is one that should help improve the quality of life in Campbell County. Commissioner Otto stated that the brochure was very well put together and asked if it could be put on the County's web site in a PDF file. Judge Pendery advised that this would be possible and thanked Commissioner for his suggestion.

Judge Pendery then requested a report from the Fiscal Director. Mr. Seibert requested a motion to authorize the purchase of a new vehicle for the Recreation Department from the State contract list. The vehicle is a 2004 Chevrolet Silverado truck and will be purchased for the amount of \$19,646. There being no further discussion, Commissioner Rechtin made a motion, and Commissioner Verst seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested a motion to authorize staff to solicit bids for golf carts for A.J. Jolly Golf Course for a 3-year period. Mr. Verst asked if windshields on the carts was one of the specifications in the search for these carts. Mr. Seibert advised he would ask Terry Jolly, Director of A.J. Jolly Golf Course, if that were the case. There being no further discussion, Commissioner Rechtin made a motion, and Judge Pendery seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented Resolution R-133-03, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes the Judge/Executive to execute an Interlocal Agreement with the City of Highland Heights to establish a joint system for the collection of payroll taxes. He explained that the Fiscal Court has the same arrangement

with the cities of Ft. Thomas, Alexandria, Cold Spring and Southgate as is proposed with this Resolution. There being no further discussion, Judge Pendery made a motion and Commissioner Rechtin seconded, to approve Resolution R-133-03. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented Resolution R-135-03, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the Judge/Executive to execute an agreement with Utilitech, Inc. for the performance of an audit of bills relating to electric, natural gas, water/sewer and telecommunication services. He explained that this audit would give the Fiscal Court an opportunity to look at bills that have been paid in the past to make sure they have been accurately calculated. Utilitech, Inc. has agreed to a recovery rate of 40% on any refunds that might be found. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-135-03. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next presented Resolution R-137-03, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution authorizes the Judge/Executive to execute a contract and related documents with Shield Environmental Associates, Inc. to perform environmental site investigations and corrective actions at the former Road Department site located at Highway 10 and Persimmon Grove Road. Commissioner Rechtin inquired as to whether testing had been done on this site previously, to which Mr. Seibert responded that testing had been done in the past and that this would be follow-up that is required by the State. Ms. Williams commented that this site had underground storage tanks removed prior to when the new facility was built, and this site has been in a clean-up stage since that time. Commissioner Rechtin then asked if this would offer the County an opportunity to look at the contract again and bid it out if necessary, or if the structure was sound enough, making this the best thing for the County. Mr. Horine stated that this Company has been working on the site close to two years since our previous company went bankrupt, and the State just noticed in their files that the County did not have a valid contract with this company. The fee schedule is set by the State, and regardless of who the contract is, the costs will be the same because the fee schedule is established by the State. Commissioner Rechtin asked if the County had an original resolution authorizing this company to do the work, or if the State authorized this company to do it. Ms. Williams stated that this information would be in the records of approximately 8 to 9 years ago, and that question would have to be researched to obtain an answer. There being no further discussion, Commissioner Verst made a motion, and Commissioner Rechtin seconded, to approve Resolution R-137-03. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented Ordinance O-22-03 for first reading. He explained that this Ordinance amends Chapter 110 of the Campbell County Administrative Code. He explained that this amendment will bring about consistency in the interest and penalty calculations for underpaid or delinquent accounts for the County and its tax partner cities. He stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Mr. Seibert then requested approval of the Claims being presented at this meeting. County Attorney Verst advised that he had reviewed the claims and that they appeared to be appropriate.

There being no further discussion, Commissioner Rechten 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 Rechten, seconded by Commissioner Verst, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 7:54 p.m.

Attachments:

Proclamation: "Campbell County High School Band of Pride Day"
Ordinance O-22-03: Amendment of Chapter 110 of Campbell County Administrative Code
Ordinance O-23-03: Countywide Keg Law
Resolution R-132-03: Department of Housing Budget Revision
Resolution R-133-03: Interlocal Agreement with the City of Highland Heights, Ky.
Resolution R-134-03: Contract Addendum with St. Joseph Church, Camp Springs, Ky.
Resolution R-135-03: Agreement with Utilitech, Inc.
Resolution R-136-03: 2004 Holiday Schedule for Campbell County Fiscal Court Employees
Resolution R-137-03: Agreement with Shield Environmental Associates, Inc.
Claims: December 3, 2003
December 3, 2003 (Home Emergency Grant)

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Melissa A. Williams
Acting Fiscal Court Clerk