

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

January 23, 2013

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, January 23, 2013, 5:30 p.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
PETE GARRETT
BRIAN PAINTER
KENNETH RECHTIN

Robert Horine	County Administrator
Steve Franzen	County Attorney
Melissa Williams	Director of Administration
Matthew Elberfeld	Finance Director
Paula Spicer	Fiscal Court Clerk
Colonel Keith Hill	Chief of Police
Peter Klear	Planning and Zoning Director
Kim Serra	Human Resources Director

The meeting was called to order at 5:30 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 Fiscal Court regular meeting of January 9, 2013 and special meeting of January 14, 2013 were presented. Motion was made by Commissioner Garrett, seconded by Commissioner Painter to approve the minutes. All voted "AYE" and the motion passed.

Judge Penderly invited comments from the public.

Charles Coleman stated that he had asked at the last meeting about the losses at A J Jolly Golf Course, and was told that it was about \$400,000 and that a study was being made. He wondered when the results will be available. Judge Penderly replied that the study is complete and has been reviewed with the Commissioners; he would be happy to meet with Mr. Coleman to review it.

Anna Zinkhon, on behalf of the Camp Springs Initiative (CSI) stated that they are still opposed to the Ash Street forced main sewer project. She stated that they have a lot of documentation and information on the problems that this sewer is going to cause their community and things

that have not been done properly by Sanitation District No. 1 (SD1). Ms. Zinkhon read a letter from CSI to the Army Corps of Engineers. She requested a resolution from the Fiscal Court asking that SD1 find an alternate route for the sewer. Judge Pendery stated that the Fiscal Court usually studies an issue before it decides to adopt a resolution about it. Discussion turned to the Division of Water's role in this project. Commissioner Rechten stated that he would support a resolution asking SD1 to look at the other alternates and cost out the work to determine the difference. Commissioner Painter stated that he has looked at the site of the proposed sewer and he would also support having SD1 look at the alternates. He suggested having someone oversee SD1 when they do the cross-country work. Judge Pendery advised that SD1 is going to talk about this at their next meeting to bring the new board members up to date on the project; he plans to attend the meeting. Ms. Zinkhon stated that the SD1 chairman misrepresented CSI in meetings. Commissioner Painter volunteered to attend the SD1 meeting with the CSI group. Judge Pendery suggested that a couple of the members of the Fiscal Court attend the next SD1 meeting.

Kevin Gordon, resident of Wilder, addressed the Fiscal Court about a recent article in the newspaper regarding Northern Kentucky University (NKU) purchasing the Lakeside apartments. He talked about the outcome of his open records request to the Fiscal Court to obtain a report estimating repairs to the facility at \$5.4 million. Mr. Gordon stated that the Fiscal Court had a responsibility for the facility but allowed it to fall into disrepair. It seems that the Fiscal Court is more concerned about NKU students than the senior citizens of Campbell County. Judge Pendery stated that this issue has been discussed at many meetings; he would be glad to talk to Mr. Gordon after the meeting. Judge Pendery described the 40-year old building, explained why it is obsolete and why the Fiscal Court decided not to put millions of dollars into the building. Mr. Gordon stated that a lot of the Lakeside residents were not happy about moving and the Fiscal Court did not provide enough assistance for the residents.

Judge Pendery called upon Priscilla Elgersma and Pam Harper of the Kentucky Thorough-Breasts to talk about the Dragon Boat race event held at A J Jolly Park. Ms. Harper explained that the team of which she is captain is made up of cancer survivors and was organized in 2008. 42 teams participated in the 2012 race at A J Jolly Park. A brief video of dragon boat racing was shown. Ms. Elgersma, team coach, stated that the Park is the perfect place to have races. She presented a check to Judge Pendery in appreciation of the County allowing use of the Park for their race and practices.

Greg Buckler, Campbell County Jailer, presented Awards of Merit to Captain Lisa Fletcher, Deputy Joan Warfield, Deputy William Fuller and Deputy Jacob Jones in recognition of their life-saving actions on December 5, 2012 when an inmate at the jail went into full cardiac arrest. Jailer Buckler introduced other members of the jail staff that were present. Judge Pendery stated that jail workers are often overlooked while other people in law enforcement are more celebrated. He stated that the Fiscal Court owes a debt of gratitude to all who work at the Jail.

Judge Pendery stated that he and Greg Buckler were first elected at the same time 14 years ago. He described the condition of the jail at that time and how Mr. Buckler embarked on a 5-stage program to improve the operation of the jail; some of the improvements required changes in state law. Judge Pendery then read a proclamation declaring January 31, 2013 as Greg L. Buckler Day in Campbell County in recognition of Mr. Buckler's retirement. Mr. Buckler thanked Judge Pendery for his support and help throughout the years. He stated that it has been a privilege

serving the people of Campbell County and a pleasure working the Commissioners and staff over the years. Mr. Buckler then introduced his family members that were present.

Judge Pendery presented a watch to James Seibert as a token of appreciation for his service to the County as its former Fiscal Director and current Finance Officer for the Campbell County Sheriff's Office. Mr. Seibert joined the Fiscal Court as Fiscal Director on February 24, 2003, resigned his position in July 2012 to serve as Finance Director in the Sheriff's Office and will retire effective February 1, 2013.

There being no old business, Melissa Williams presented new business with a first reading of Ordinance O-01-13 by title and summary. O-01-13 amends the text of the Official Zoning Ordinance for unincorporated Campbell County at Article X Zone Regulations, Section 10.18 HC Highway Commercial Zone, adding a new item A.22 "Equipment Sales and Rental Services". The Campbell County and Municipal Planning and Zoning Commission held a public hearing on this issue and after due deliberation, recommends that the Fiscal Court adopt the text amendment. No vote is required as this is a first reading of the ordinance. Commissioner Rehtin requested discussion on this ordinance since it had been postponed from the previous meeting due to questions. Robert Horine explained that three zoning ordinances were on the agenda for the last meeting and questions were raised about two of them. Those two ordinances were going to be removed from the agenda so they decided to take all three off; there was no concern expressed about this particular ordinance. Commissioner Garrett asked why they are removing tent sales and rental services from the HC zone. Peter Klear explained that some years ago the Planning Commission advertised and held a public hearing to allow "equipment sales and rental services" in the HC Zone, but at some point during the public hearing process a word was changed and the Planning Commission voted to allow "tent sale and rental services". It is unclear from the record how the word got changed from "equipment" to "tent". The amendment allowing "tent" sales was never approved by a vote of the Fiscal Court. Mr. Klear stated that when he discovered the error he brought it before the Planning Commission to correct. He stated that sales under a tent would be allowed as long as the items for sale were allowed in that zone. Mr. Klear answered questions from the Fiscal Court about individuals or businesses selling goods from under a tent in the HC zone and for sales at flea markets. Commissioner Rehtin asked if the other two ordinances that were removed from the agenda will be brought back before the Fiscal Court. Judge Pendery stated that he believes that the fireworks issue is covered by other authorities. Mr. Klear advised that the two ordinances were requested by Planning and Zoning Department staff and recommended by the Planning Commission, they were not requested by individuals.

Resolution R-05-13 was read by title and summary given. R-05-13 authorizes the Judge/Executive to execute a Planned Equipment Maintenance Agreement with Cummins Bridgeway, LLC for maintenance of the generator located at 1098 Monmouth Street, Newport, Kentucky. This extends the current maintenance agreement in the amount of \$1,873.27. Commissioner Rehtin made a motion to adopt R-05-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Resolution R-06-13 was read by title and summary given. R-06-13 updates the Assistant Fiscal Affairs Director position description, renaming the position as Finance Manager, and authorizing corresponding amendments to the Administrative Code. The position description is being updated to more accurately reflect the duties of this position; there is no change in grade or

compensation. Judge Pendery made a motion to adopt R-06-13, seconded by Commissioner Garrett. Commissioner Rechtin requested that in the future staff provide a copy showing the deletions and additions in the text. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for the full-time position of Finance Manager. This position is vacant due to the resignation of Richard Lucas effective January 31, 2013. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to reappoint Joseph Powers, Terry Flynn and Michael Dutle to the Campbell County Ethics Commission for a one-year term effective February 1, 2013 through January 31, 2014. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to reappoint Kenneth Rechtin to the Ohio-Kentucky-Indiana Regional Council of Governments Board for a one year term effective January 23, 2013 through December 31, 2013. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Robert Horine presented Resolution R-08-13 by title and summary given. R-08-13 approves plans for construction of an outdoor stage at A J Jolly Park. Mr. Horine explained that the A J Jolly Park Community Development Council would like to construct a permanent outdoor stage in the Park for an event to be held on August 17, 2013 to celebrate the Park's 50th Anniversary. He described and showed pictures of the location, dimensions and construction materials of the open-air stage. The Council will obtain private donations of materials and labor and ask nothing of the Fiscal Court for the construction of the stage. The Fiscal Court would maintain the stage once it is built. Steve Franzen advised that the Community Development Council is not required to follow the County's procurement policy (i.e. bidding process) but the stage should be built properly. Commissioner Painter made a motion to adopt R-08-13, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Steve Franzen requested that the Fiscal Court meet in executive session to discuss proposed or pending litigation at the end of the meeting.

Commissioner Rechtin announced that the Municipal Government League of Northern Kentucky will hold a meeting on January 24, 2013 to discuss the problems with heroine in the region. This event is a good opportunity for elected officials to learn about these problems.

Judge Pendery announced that the Campbell County Office of Emergency Management (OEM) is hosting a Weather Spotters Training Class on March 21, 2013 at the Ft. Thomas City Building. The class is free but interested persons must RSVP with the OEM Department by phone or online in advance.

Matt Elberfeld presented Resolution R-07-13 by title and summary. R-07-13 authorizes the Judge/Executive to execute a contract with ACS Enterprise Solutions, Inc. for application hosting and technology support services. The County's current IBM server for the Occupation License programs will end in November 2013, and ACS can provide the needed support services for a period of three years at a cost of \$43,136.81. Judge Pendery made a motion to adopt R-07-

13, seconded by Commissioner Painter. When asked, Mr. Elberfeld stated that this is not a permanent solution, but a band-aid. Commissioner Rechtin stated that all three northern Kentucky counties need to work together on occupational licensing. Commissioner Garrett stated that he has talked with commissioners from the other counties about the need for this.

Mr. Elberfeld then requested a motion to approve the claims and supplemental claims as presented for January 23, 2013. County Attorney Steve Franzen stated that he has reviewed the claims and that they all appear appropriate. Motion was made by Commissioner Garrett seconded by Commissioner Painter. Commissioner Rechtin recused himself from voting to approve any payments made to Senior Services of Northern Kentucky, his employer. All voted "AYE" and the motion passed.

Steve Franzen requested a motion to meet in executive session pursuant to KRS 61.810(1)(c) to discuss proposed or pending litigation. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed. It was announced that no action would be taken after the executive session.

Motion was made by Commissioner Rechtin, seconded by Commissioner Garrett to adjourn the executive session and reconvene in regular session. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rechtin made a motion to adjourn, seconded by Commissioner Garrett. All voted "AYE" and the meeting adjourned at 7:55 p.m.

Attachments:

Proclamation	Greg L. Buckler Day
Ordinance O-01-13	Amend Zoning Ordinance – Highway Commercial Zone
Resolution R-05-13	Maintenance Agreement for Generator at Administration Building
Resolution R-06-13	Amend Administrative Code – Finance Manager Position
Resolution R-08-13	Approve Plans for Outdoor Stage at A J Jolly Park
Resolution R-07-13	Contract with ACS Enterprise Solutions
Claims	January 23, 2013

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk