

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

July 19, 2006

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, July 19, 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

Jim Luersen
Robert Horine
Keith Hill
Ken Knipper
Melissa Williams
Peter Klear
Jim Seibert
Tasha Wilder

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

Judge Pendery called the meeting to order at 5:30 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 special meeting of June 30th, 2006 and July 5th, 2006. Commissioner Otto made a motion and Commissioner Rechtin seconded to approve the minutes of June 30, 2006 and July 5, 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. There being none, Judge Pendery proceeded with the meeting agenda.

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 for first reading Ordinance 0-10-06, which she read by title and provided a summary to the Court for its consideration. She stated that this

Ordinance amends prior Ordinance O-05-05 and section 111.01 and 111.05 of the Campbell County Code of Ordinances to revise the hours when sales are permitted with respect to malt beverages, retail license, and distilled spirits, and wine both retail package and drink license. This refers to sales on Sunday which presently we allow wine to be sold at 11 a.m. Ordinance O-10-06 would allow distilled spirits and package liquors also to be sold at 11 a.m. and for establishments, with proper licensing, to sell drinks until 2 a.m. She stated that Chief Hill has reviewed the Ordinance that County Attorney Justin Verst drafted. New Year's Eve is on a Sunday this year which is what gave rise to bringing this for consideration. Commissioner Mark Hayden asked if the Ordinance could be amended to include only Sundays that fall on New Year's Eve. Since this is only a first reading, he asked if the County Attorney's office could get that information before the next Fiscal Court meeting. Judge Pendery stated this information would be distributed to the Fiscal Court members by email.

Ms. Williams next presented Resolution R-109-06, which she read by title and provided a summary to the Court for its consideration. She stated that the Resolution creates the position of Principal Planner and amends the Campbell County Fiscal Court Administrative Code Authorized Position List and Organizational Chart to reflect the addition of a full-time Principal Planner position in the Planning & Zoning Department. Peter Klear, Director of Planning & Zoning is here tonight to answer any questions you may have. Commissioner Rehtin 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 authorize staff to advertise, interview, and hire for the position of Principal Planer in the Planning & Zoning Department. 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 next requested a motion to request the Campbell County Police Merit Board to begin the process for promotions for the positions of Lieutenant and Sergeant within the Campbell County Police Department. 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 next requested a motion to adjust the salary of Jerry Bankemper, P/T Golf Starter at A.J. Jolly Golf Course, from \$7.98/hr to \$9.62/hr effective July 19, 2006. 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 presented Resolution R-110-06, which she read by title and provided a summary to the Court for its consideration. She stated that the Resolution creates a third full-time Animal Technician position and a second part-time Kennel Technician position along with deleting a full-time Kennel Technician; and amends the Administrative Code Authorized Position List and Organizational Chart to include said changes. 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 next requested a motion to promote Elisabeth Reynolds from a full-time Kennel Technician to a full-time Animal Technician effective July 19th, 2006. 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 requested a motion to authorize staff to advertise, interview, and hire for the position of part-time Kennel Technician in the Campbell County Animal Shelter. 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 Dr. Ann Painter to the Campbell County Library Board of Trustees for a four year term, effective October 1, 2006 through September 30, 2010. Judge Pendery made a motion, and Commissioner Rechtin seconded. Ms. Williams added that Dr. Painter was the former principal at A.J. Jolly Elementary School and is very excited to continue on the Library Board. There being no further discussion, all voted “AYE,” and the motion was unanimously approved.

Ms. Williams then asked that the next agenda item be tabled as staff was still finalizing the appointment to the Cable Board.

Ms. Williams then requested a motion to recommend to the Campbell County Local Health Board to reappoint Carl Austin, RN to the Northern Kentucky Independent Health District Board 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.

Judge Pendery next requested reports from Staff. County Administrator, Robert Horine, recommended an executive session pursuant to KRS 61.810(b) deliberations on the acquisitions of new property to discuss to items of business. He stated it is possible the Court would take action on these items tonight. It was decided to meet in session after other business.

Mr. Horine next gave an update on the pending Federal Court cases involving Campbell County. These cases challenge the charging of a booking fee to prisoners as they are first booked in the Campbell County Detention Center, and also challenge the practice of accessing commissary funds of the inmates in order to pay their expenses in the course of their incarceration. The ruling in this case finds totally in favor of the County in support of the policies and procedures that are being followed by the Jailer and have previously approved by the Fiscal Court. It is a good decision as it allows the County to continue to save taxpayer money and to charge prisoners for the costs associated with their incarceration. It is an important ruling as it will affect every jail in the state of Kentucky and Judge Bertlesman designated this decision for publication. Mr. Horine noted that he wants to acknowledge that Mr. Jeff Mando has been representing the County in this case. His representation has been paid for through our insurance with KACo and he has done an outstanding job to bring us to this decision today. It is possible this case will be appealed to the Sixth Circuit Court of Appeals, but for now, it is a very solid ruling for the County. Mr. Horine added that Jailer Greg Buckler and Jim Daley, Deputy Jailer, did an excellent job of providing to required documents needed through the discovery phase in this

case. Judge Pendery added that had the case been decided in a different way our revenue from prisoners would have been eliminated. There would be procedural hurdles in place and they would not pay anything until they were sentenced and by that time could have a zero balance in their account. Mr. Horine added that a booking fee is provided for in Kentucky State Statute and to find otherwise would have invalidation State Statute and would have affected funding in every jail in the state. Commissioner Hayden added that is rare for Judge Bertlesman to publish an opinion, and that is another indication of how seminal this decision was for him. Commissioner Otto asked if it is possible with this ruling if we could go back and ask for attorney's fees. Commissioner Hayden stated that is pretty unusual in Federal Court unless the case is found to have no merit, but would Mr. Mando be a better person to ask for an interpretation about attorney's fees.

Judge Pendery then asked for a report from the Commissioners. Commissioners Hayden and Otto stated they had nothing further to report. Commissioner Rechlin requested that we have the Cable Board to speak at one of the Fiscal Court meetings because there is a new appointment to that Board coming up. He added that outlining the services they do provide, and availability of studio space would be helpful for the County. Melissa Williams added that another group has requested to speak to the Fiscal Court in August and we may not have the chance to have the Cable Board until September.

Commissioner Hayden then stated he had a question about what type of training and follow-up the Fiscal Court had with the two new appointees to Tri-ED considering that economic development is so important for the future growth of the County. Judge Pendery stated the appointees get a briefing from Dan Tobergte Tri-ED, but we need to also make sure they are aware of our needs as a County. Commissioner Hayden added that it is important for the appointees to be aware of available locations for development. It is also important that we plan well those locations and market aggressively those locations that we do have available. Commissioner Otto stated it was important for us to include the cities of the County in this as they might also have properties available. Commissioner Hayden added that finding good locations for business and placing the infrastructure now is vitally important for having good jobs as our tax base. Judge Pendery stated that before the attacks of 9/11 the Comair strikes, Tri-Ed was enlarging their mission from just selling the area to handling existing business as one of their main thrusts. Another area of focus planned was property development for areas without identifiable properties, infrastructure, and zoning. Tri-ED has had to slash expenditures in marketing and support to outside agencies to make up for this loss in revenue. At one time the agency was poised to get into areas of development for Campbell County and for lack of money, it has not happened. Commissioner Hayden stated I am not critical at all of the efforts today in the area of economic development. The topography of Campbell County makes it difficult for us to compete with neighboring counties, but we have to start planning for ten years ahead because Boone and Kenton are eventually going to run out of room. One thing we could do is invite the Tri-ED appointees to a Mayor's Meeting and put on the agenda economic development. Judge Pendery stated it would also be good to have an update from Tri-Ed on their budget so we could understand the parameters with which they are working.

Commissioner Rechlin then added he believed Commissioner Hayden's original question was a good one and that board appointees with no accountability to the Fiscal Court is a bad idea. He

urged the Court to think outside the box and possibly restructure county boards. An idea is to consider having elected officials have more of a role on the boards so someone is directly responsible for how those tax dollars are spent. We need to have board members who are overseers of tax money.

Assistant County Attorney Jim Luersen stated he had nothing to report.

Judge Pendery then announced the Mayor's Meeting is scheduled for July 25th, 2006 at 7:30 a.m. the County Extension Center in Highland Heights, KY. OKI will be present to speak about the 471 corridor study and a representative from NKU will be there to talk about the new special events center.

Judge Pendery added that a joint meeting of the Campbell County Fiscal Court and the Campbell County Police Merit will be held at the A.J. Jolly Golf Course Clubhouse on July 25th, 2006 at 6:45 p.m.

Judge Pendery then requested a motion to move the August Fiscal Court Meetings from August 2nd and 16th to August 9th and 23rd. Commissioner Otto made a motion, and Judge Pendery seconded. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Judge Pendery then asked for a report from the Fiscal Director. Jim Seibert, Director of Fiscal Affairs presented for first reading and passage consideration Ordinance O-09-06, which he read by title and provided a summary to the Court for its consideration. He stated this Ordinance relates to the 2006-2007 annual budget and amendments thereof. The Ordinance is to allow for funds we were able to procure following the budget process. These funds are to repair slides and create bicycle paths. There is no vote tonight, as it is here for a first reading.

Mr. Horine next requested approval of the Claims being presented at this meeting. Assistant County Attorney Jim Larsen 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. Commissioner Hayden seconded the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Commissioner Rehtin then made a motion to go into Executive Session pursuant to KRS 61.810(b) deliberations on the acquisitions of new property, and Commissioner Otto seconded the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously. Members of the Fiscal Court then went into Executive Session.

At the conclusion of the Executive Session, Commissioner Hayden made a motion, seconded by Commissioner Rehtin, to exit the session. All voted "AYE" and the motion passed unanimously.

The group reconvened to take action on two Resolutions. Mr. Horine presented Resolution R-107-06, which he read by title and provided a summary to the Court for its consideration. He stated that the Resolution of the Campbell County Fiscal Court adopting the execution of an

Interlocal agreement between the Fiscal Court and the City of Newport regarding acquisition and development of off street parking in the vicinity of 10th and Monmouth Street. This agreement designates a couple of properties for initial acquisition for development for off street parking and establishes a parking committee to recommend how to manage parking sites and how future parking needs should be addressed. Mr. Horine recommended the Resolution and asked for its approval. Commissioner Rechtin made a motion, and Commissioner Hayden seconded. Commissioner Hayden stated that for reasons discussed in the Executive Session, he is not in favor of the Resolution. There being no further discussion, Commissioner Otto, Commissioner Rechtin, and Judge Pendery voted "AYE" and Commissioner Hayden voted "NAY". The motion was approved.

Mr. Horine next presented Resolution R-108-06, which he read by title and provided a summary to the Court for its consideration. He stated that the Resolution authorizes the County Judge Executive to purchase property at 1027 Monmouth Street pursuant to and Interlocal agreement with the City of Newport and to execute necessary documents relating to said purchase. Commissioner Rechtin made a motion, and Commissioner Otto seconded. There being no further discussion, Commissioner Otto, Commissioner Rechtin, and Judge Pendery voted "AYE" and Commissioner Hayden voted "NAY". The motion was approved.

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-09-06:	First Reading- Amendment of FY07 Budget
Ordinance O-10-06:	First Reading- Revises alcohol sales hours
Resolution R-107-06:	Execute Interlocal agreement with City of Newport
Resolution R-108-06:	Purchase of property at 1027 Monmouth Street
Resolution R-109-06:	Creation of Principal Planner position
Resolution R-110-06:	Creation of f/t Animal Technician and p/t Kennel Technician positions
Claims:	July 19, 2006

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

MELISSA WILLIAMS
Fiscal Court Clerk- Acting

TASHA WILDER
Recorder