

CAMPBELL COUNTY FISCAL COURT MINUTES

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, September 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
Chief David Sandfoss	Chief, Campbell County Police Department
Peter Klear	Director, Planning & Zoning
Darlana Brown	Director of Housing
Melissa Williams	Director of Administration
Josh Wice	Administration Analyst
Sandra Mulligan	Fiscal Court Clerk

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 August 13, 2003. It was moved by Commissioner Rechtin and seconded by Commissioner Otto that the minutes of the Fiscal Court meeting of August 13, 2003 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery recognized that there were a number of citizens in attendance at the meeting in connection with Planning & Zoning issues that were scheduled to be brought before the Court. He advised everyone that it is the practice of the Fiscal Court to handle Planning & Zoning issues in a way that does not allow for further public comment and that he would explain this in further detail when the issues are presented. He then asked if there was anyone else who would like to address the Court. There were none.

Judge Pendery next requested items of Old Business be brought before the Court. Ms. Williams presented for second reading and passage consideration Ordinance O-13-03. She explained that this ordinance rezones an approximate 5-acre site from Agricultural One (A-1) to Rural Commercial (RC) at the request of Brinkman Oil, Mr. Richard Brinkman. She stated that the Campbell County Municipal & Planning & Zoning Commission had voted in favor of the zone

change, and that Peter Klear, Director of Planning & Zoning, was present to answer any questions. Judge Pendery again recognized that many citizens may be present because of this Ordinance, and stated that under the laws of the State of Kentucky, the Planning & Zoning Board can be set up to be a semi-autonomous body, thereby many times being ordinary citizens who are provided with training and participate in comprehensive plan reviews as necessary. This Board has staff support and serve on committees within the Board that look at details of issues in depth and then report their findings to the larger Board, and act in a group as a Planning & Zoning body for unincorporated Campbell County and for constituent cities. When a decision is made by this Board, a record is created which is passed along to the Fiscal Court and that record includes the evidence presented by applicants at a hearing and by those persons who may speak at the hearing for or against the issue, and other evidence obtained from the proceeding. It is the Fiscal Court's responsibility to act on the issue after receiving this report. Judge Pendery noted that the first reading of the Ordinance took place at the Court's August 13, 2003 meeting, at which time no public comments were accepted in order for the record to stand as assembled by the Planning & Zoning Board, per the Fiscal Court's policy. The Fiscal Court examined the record to determine that proper procedures were observed and, if there were failings along the way, whether or not those failings were cured. The Fiscal Court also examined the record on the evidentiary side to determine whether the issues involved were fairly represented. Judge Pendery stated that it was his opinion that the issues were fairly represented and asked for the Commissioners vote on accepting or rejecting the recommendation of the Planning & Zoning Commission. Commissioner Rechlin made a motion and Commissioner Verst seconded, to approve Ordinance O-13-03. Commissioner Otto stated that he had read the record many times and believes the zone change does not meet Comprehensive Code. He has tried to reason that U.S. 27 should be zoned commercial, but the fact remains that it is not. County Attorney Verst then requested that whichever way the Commissioners decided to vote on this issue, they add some language to the effect that if they are moving to approve the zone change as recommended by the Campbell County Planning & Zoning Commission, they agree and adopt their reasoning and findings of fact as contained in the record. If the Commissioners reject the zone change as recommended by the Campbell County Municipal & Planning & Zoning Commission, they should agree and adopt the supporting information based on the Northern Kentucky Area Planning Commission recommendation. Judge Pendery then asked Commissioner Rechlin if he would like to amend his motion to approve the zone change to incorporate the language suggested by the County Attorney. Commissioner Rechlin stated that he agreed with the recommendation of the Campbell County Municipal & Planning & Zoning Commission, and wished to amend his motion as such. He also stated that he could see both sides on this issue and understands how the zone change may comply or may not comply with the Comprehensive Plan, but what weighs a great deal in his mind is that it is easier for the Campbell County & Municipal Planning & Zoning Commission to know the issue, know the County, and know the Comprehensive Plan. Commissioner Verst stated that he also wished to amend his second to approve the zone change to incorporate the language suggested by the County Attorney. He noted that he did believe there were two components they face when talking about the Planning & Zoning Comprehensive Plan, one being the map itself, and the second being the goals and objectives that the County attempts to deal with as it grows. He believes that the goals and objectives for the County in the future are better understood by the Campbell County Municipal & Planning & Zoning Commission. Judge Pendery then noted that there was no clear-cut provision in the Comprehensive Plan that makes the decision on this issue simple, but rather was a judgment call. He then requested a roll call vote on Ordinance O-13-03. Commissioner Otto

voted “NO,” Commissioner Verst voted “YES,” Commissioner Rehtin voted “YES,” and Judge Pendery voted “YES” and the motion to approve Ordinance O-13-03 passed.

Commissioner Rehtin then asked Mr. Klear if things were in place to be addressed pertaining to the notes of the Northern Kentucky Area Planning Commission that if the Campbell County & Municipal Planning & Zoning Commission and/or the Fiscal Court were to do something on this issue other than what Northern Kentucky Area Planning Commission had recommended. He asked how these would be taken care of by the County and what requirements were in place. Mr. Klear explained that typically these issues would be considered development issues, and stated that as part of any zone change, in addition to the actual zone change request, a development plan is required as a part of that submission. The Planning Commission is in a period of transition, where they are attempting to separate the two, looking first at the zone change issues, and then at the development plan issues. If a proposal involves a zone change, that change has to occur, or the development could not occur. In the present case, the proposal is for a commercial development, which means that no commercial structure could occur until the zone change is approved. Once the zone change is approved, any development plan would have to be in accordance with regulations. In the case of non-residential land uses such as this issue, the development plan must go to the Planning Commission for formal review, so elements such as curb cuts, signage, lighting, setbacks, have to be reviewed and approved by the Planning Commission. Commissioner Rehtin asked what the time frame was for that process and Mr. Klear explained that the process is not spelled out precisely with the zone change requirements. If the Fiscal Court approves the new zoning, it would be up to the discretion of the applicant to get their development plan back to the Commission as soon as possible, which would then go through the planning review process.

Ms. Williams then presented for second reading and passage consideration Ordinance O-15-03. She explained that this ordinance rezones an approximate 1-acre site from Agricultural One (A-1) to Residential One C (R-1C) at the request of Sun Valley Real Estate, Mr. Dennis MacDonald. She noted that the property being rezoned is a part of Parkside Subdivision Development. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Ordinance O-15-03. Commissioner Verst abstained from the vote, due to a potential conflict of interest. A majority voted “AYE” and the motion passed unanimously.

Ms. Williams next presented for second reading and passage consideration Ordinance O-17-03. She explained that this ordinance provides for the assessment of additional fees and costs in Circuit and District Courts in Campbell County, Kentucky. She advised that meetings had taken place with the Tom Calme, Circuit Court Clerk, between the first and second readings of this Ordinance, and Mr. Calme had recommended some changes to the Ordinance for clarification purposes, those changes being the effective date of the Ordinance, adding the 2000 and 2002 General Assembly, since those were the years in which the laws passed allowing for this fee, clarifying that probate and small claims cases were excluded, and changing the effective date of the Ordinance to October 1, 2003. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Ordinance O-17-03. All voted “AYE” and the motion passed unanimously.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams presented Ordinance O-18-03 for first reading. She explained that this Ordinance amends the Official List of County Roads to add Countryslake Drive, Brant Court and Goldeneye Drive. 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 next presented Ordinance O-19-03 for first reading. She explained that this Ordinance officially changes the name of Fire Protection District Number Four to Southern Campbell Fire District. She stated that the Board of Directors of the District requested this name change. 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-103-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution adopts the Campbell County Transportation Plan, and noted that Bob Koehler, Manager of the OKI Transportation Planning Division and Project Manager for the Campbell County Transportation Plan, was present to give a PowerPoint overview on the process the Taskforce went through and a brief overview of its recommendations. Mr. Koehler thanked the Court for allowing him to make his presentation and stated that his group was approached by Campbell County to look at its travel modes (transit and pedestrian) as well as the State and Federal routes in the County. He also thanked all of the groups and cities who were involved and participated in the study. The study results showed that many projects needed to be undertaken, both of high priority and low priority. The County owned route system was also looked at, such as number of lanes, pavement condition, drainage condition, absence of guardrails, condition of signs, and horizontal and vertical alignment features, in order to determine how to make the roadways safer and easier to accommodate traffic. Judge Pendery thanked Mr. Koehler and his staff for the work they did in completing this study. He also thanked the Department of Transportation and State of Kentucky for the funding for this project. There being no further discussion, Commissioner Verst made a motion and Commissioner Rehtin seconded, to approve Resolution R-103-03. All voted "AYE" and the motion passed unanimously. Ms. Williams noted that the Transportation Plan would be presented to the OKI Board for adoption at their upcoming meeting. She thanked Mr. Koehler and Keith Logsdon for all the hard work that they put into this project.

Ms. Williams then requested a motion to acknowledge the appointment of Gary Profit to the position of Part-Time Kennel Technician at the Animal Shelter, with compensation set at \$8.71 per hour (Grade 6), effective August 28, 2003. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to accept the resignation of Officer Scott Hildebrand from the Campbell County Police Department, effective August 25, 2003. There being no further discussion, Judge Pendery made a motion and Commissioner Verst seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to acknowledge and approve 2.5% merit increases to Thomas Nitschke (Police Department), Julie Hess (Police Department), and James Seibert (Fiscal Department), effective with the pay period following their 6-month anniversary date. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to approve an increase in annual compensation for Solid Waste Coordinator, Reno Deaton, from \$5,963 to \$10,463, effective August 25, 2003. Judge Pendery noted that this was made necessary by a change in increased responsibilities for Mr. Deaton after the termination of the previous agency who provided these services to Campbell County. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine advised that he had nothing further to report.

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

Judge Pendery next requested reports from the Commissioners. Commissioner Otto, Commissioner Verst and Commissioner Rehtin stated that they had nothing further to report at this meeting.

Judge Pendery then announced that the Campbell County Senior Picnic would be held on September 17, 2003 at Pendery Park, with tickets on sale at the Campbell County Senior Center and at the Fiscal Court offices in Newport. He next requested a motion to move the second Fiscal Court meeting in September to Tuesday, September 16, 2003 at 12:00 Noon, to be held at the Campbell County Fiscal Court Conference Room, 24 W. 4th Street, Newport. He stated this change was necessary because of the Senior Picnic occurring on Wednesday, September 17. There being no further discussion, Commissioner Verst made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested a report from the Fiscal Director. Mr. Seibert requested a motion to authorize staff to seek bids for salt for the Road Department. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then stated that the motion to declare surplus property for sale that was originally on the Agenda for this meeting be tabled until additional items become available to make the sale worthwhile.

Mr. Seibert next requested a motion to accept the bid of Kerkan Roofing, Inc. to replace the roof at the Campbell County Detention Facility, at a cost of \$168,927. There being no further discussion, Judge Pendery made a motion and Commissioner Verst seconded, to approve the motion. Commissioner Rehtin asked how much money had been budgeted for the replacement of the roof, to which Mr. Seibert responded that \$100,000 had been budgeted, and that the remaining \$68,927 would be taken from available funds in the budget that have been set aside for contingency funds such as this. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented Resolution R-102-03, 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 with the Ohio-Kentucky-Indiana Council of Governments to provide services to the Campbell County Fiscal Court for fiscal year 2004, in the amount of \$29,376. He noted there had been a less than 1% increase in this contract from the previous year. There being

no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded, to approve Resolution R-102-03. All voted “AYE” and the motion passed unanimously.

Mr. Seibert next presented Ordinance O-16-03 for second reading and passage consideration. He explained that this Ordinance sets the 2003 tax rates for personal property, motor vehicles and watercraft. There being no further discussion, Commissioner Rehtin made a motion and Judge Pendery seconded, to approve Ordinance O-16-03. All voted “AYE” and the motion passed unanimously.

Mr. Seibert then presented Resolution R-101-03, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution approves a transfer of \$50,000 from the Public Properties Corporation to the Housing Department to cover operating expenses. He noted that this would be a temporary loan to the Housing Department to provide operating funds. The funds will be borrowed from the Public Properties Corporation fund. Commissioner Rehtin asked what the time frame was for these funds to be repaid, to which Mr. Seibert responded that the funds should be repaid by the end of the next fiscal year, June 30, or prior to then. There being no further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve Resolution R-101-03. All voted “AYE” and the motion passed unanimously.

Mr. Seibert then acknowledged that on August 22, 2003, Judge/Executive Pendery executed a document along with Judge Moore of Boone County and Judge Murgatroyd of Kenton County, to authorize the JP Morgan Trust Company, as Trustee for the Northern Kentucky Residential Mortgage Revenue Bonds, Series 2001, to redeem all of the Bonds outstanding on September 1, 2003. He noted that this was a program to provide funds for first-time homebuyers, but the market did not develop because of falling interest rates, and the program was cancelled.

Mr. Seibert next acknowledged that the 2003 Treasurer’s Report was published in the Campbell County Recorder in the August 14, 2003 edition as required by Kentucky Revised Statutes.

Mr. Seibert then requested approval of the Claims being presented at this meeting. Mr. Verst advised that he had reviewed the claims and that they appeared to be appropriate. There being no further discussion, Commissioner Otto made a motion that the claims be approved and paid. Commissioner Rehtin 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 Verst, seconded by Commissioner Rehtin, that the meeting be adjourned. All voted “AYE” and the meeting was adjourned at 7:57 p.m.

Attachments:

- Ordinance O-13-03: Rezoning of 5-Acre Site from A-1 to RC (Brinkman)
- Ordinance O-15-03: Rezoning of 1-Acre Site from A-1 to R-1C (MacDonald)
- Ordinance O-16-03: Approval of 2003 Tax Rates
- Ordinance O-17-03: Approval of Circuit and District Court Fees and Costs
- Ordinance O-18-03: Amendment of Official County Roads List
- Ordinance O-19-03: Fire Protection District Number Four Name Change

Resolution R-101-03: Transfer of Funds to Housing Department
Resolution R-102-03: Contract with Ohio-Kentucky-Indiana Council of Governments
Resolution R-103-03: Adoption of Transportation Plan
Claims: September 3, 2003

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Sandra L. Mulligan
Fiscal Court Clerk