

CAMPBELL COUNTY FISCAL COURT MINUTES

December 15, 2010

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 15, 2010, at 5:30 p.m. at the Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky. In attendance were:

**COUNTY JUDGE/EXECUTIVE
STEVE PENDERY**

**COUNTY COMMISSIONERS
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN**

Robert Horine	County Administrator
Melissa Williams	Director of Administration
James Daley	County Attorney
Jim Seibert	Fiscal Director
Paula Spicer	Fiscal Court Clerk
Colonel Keith Hill	Chief, Campbell County Police Department
David Plummer	Solid Waste Coordinator
Naguanda Deaton	Human Resources Director

The meeting was called to order at 5:30 p.m. by Judge Pendery.

Judge Pendery asked for a moment of silence, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present. Cable Access was present to film the meeting.

Jim Seibert opened the public hearing on the Industrial Building Revenue Refunding Bonds for Main Street Baptist Church of Alexandria, Kentucky, Inc. Ian Kofler of Peck Shaffer, the bond counsel for Main Street Baptist Church explained the process of issuing bonds and what they will be used for, and stated that the County will in no way have any financial obligation. Judge Pendery stated that the public hearing on such issues is required by state law. There being no further questions or comments, the public hearing was closed.

Minutes from the Fiscal Court meeting held on December 1, 2010 and the Mayors Meeting held on November 16, 2010 were presented by Judge Pendery. Motion was made by Commissioner Otto, seconded by Commissioner Rechtin to approve the minutes. All voted "AYE" and the motion passed.

Melissa Williams presented old business beginning with a second reading of Ordinance O-13-10. O-13-10 authorizes the issuance of Industrial Building Revenue Refunding Bonds, Series 2010 (Main Street Baptist Church of Alexandria, Ky., Inc. Project) of the County of Campbell, Kentucky, in an aggregate principal amount not to exceed \$1,675,000, the proceeds of which shall be loaned to Main Street Baptist Church of Alexandria, Ky., Inc. to refund outstanding

obligations originally issued to finance and refinance the acquisition, construction, installation and equipping of facilities suitable for use in furtherance of the educational purposes of Main Street Baptist Church of Alexandria, Ky., Inc. and located within the County of Campbell, Kentucky; providing for the pledge of revenues for the payment of such bonds; authorizing a loan agreement appropriate for the protection and disposition of such revenues and to further secure such bonds; authorizing a bond purchase agreement, tax regulatory agreement, mortgage and assignments; and authorizing other actions in connection with the issuance of such bonds. Commissioner Rehtin made a motion to adopt O-13-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Judge Pendery explained that under Kentucky law, ordinances require two readings and are voted on after the second reading. The purpose of the two readings is to allow people to have time to talk to their elected officials before any vote is taken.

Ordinance O-12-10 was read by title and summary given. O-12-10 prohibits smoking in public buildings, establishments in public buildings and places of employment. Judge Pendery provided the background on how the smoking regulations came to be on the Fiscal Court's agenda. He presented maps and graphs showing states and communities that have some type of smoking regulations, rates of lung disease deaths in Kentucky and compared to other states, and smoking rates in the United States. He also reported on recent findings by the U.S. Surgeon General that secondhand smoke in any amount is hazardous to your health. Judge Pendery stated that an amendment has been proposed to the original ordinance and asked Robert Horine to explain the amendment. Mr. Horine stated that the original ordinance was a comprehensive smoke-free ordinance with primary enforcement by the Health Department. He advised that an amendment has been drafted for possible consideration. Mr. Horine first read the definition of "drinking establishment". The proposed amendment would exempt "drinking establishments" from the requirements of the smoke-free ordinance. The exempted establishments would be required to post a sign if smoking is permitted and would be required to have separate entrances and ventilation systems for smoking areas. Judge Pendery stated that the amendment was drafted due to the diversity of opinions on the Fiscal Court and incoming members of the Fiscal Court. Copies of the amended ordinance were distributed to the audience. Judge Pendery invited comments from the audience.

The following persons addressed the Fiscal Court: Ken Moellman, Joe Sherman, Linda Vogelpohl, Nick Root, Pat Lucas, Don Hilker, Sara Kercsmar, Jim Pfister, Jennifer Mason, Erin Paul, Terry Bond, Erik Hermes, Joe Powers, Rita Hauke, Carl Fox, Michelle Eversole, Chris Flowers, Amanda Fallin, Dr. Ellen Hahn, Monica Mundy, Jeff Garnett, Jerry Stricker, Josh Brown, Kathy Nafus, Peter Joseph Cabrel, Megan Folkerth, Betsy Janes, Jami Pelini, Kevin Gordon, JR Roth, Nate Green, Cara Stewart, Sharon Weber and Dr. John Minzner. Many of the people who were in favor of the comprehensive smoking regulations are opposed to any exemptions citing difficulty in enforcement and the health of employees in the exempted establishments. They are disappointed that exemptions were proposed and still want a comprehensive ordinance adopted. Some individuals stated that the amendment is a step in the right direction, while others were opposed to any regulations stating that it is a violation of business-owners' and personal rights. A petition was submitted with over 2,000 signatures in opposition to the smoking regulations. A 10 minute recess was called and the Fiscal Court reconvened at 7:43 p.m.

Commissioner Otto stated that the smoking regulations are not something new; it has been talked about for four years. He stated that an individual's health is more important than government intrusion on businesses. Smoking is harmful and second hand smoke kills. Commissioner Otto cited a study which shows that the number of young adults who have never smoked has increased over the last five years to 60%.

Commissioner Rehtin stated that they have been debating this issue for three years. He listed the arguments made on both sides of the smoking ban. He applauded the attempt at a compromise, but doesn't think that they should move ahead with it; he is not familiar with the referenced statutes and has not had time to review it. Commissioner Rehtin stated that there is a way to protect rights of smokers, non-smokers and businesses' right to chose. He believes that they could have a comprehensive law in the four northern Kentucky counties and accomplish it in the first quarter of 2011. He suggested that any indoor privately owned space, to which the public is invited for commerce which allows smoking inside, be required to post signage warning the consumer that smoking does occur inside the indoor space. He stated that there are opportunities for restaurant/bar workers to work at a non-smoking establishment. Commissioner Rehtin stated that he likes the way that this issue has energized the public and thanked those who have attended and spoke at the meetings.

Commissioner Hayden stated that he has been studying this issue for three years. He first thought that they should give individual businesses the option to allow smoking, but believed that it was his duty to keep an open mind and listen. As a result of his research, he is convinced that this is a critical public health issue. He agreed with a comment made earlier in the meeting that no one should have to chose between their health and their livelihood. Commissioner Hayden referenced Lexington's comprehensive smoke-free ordinance which was challenged and upheld by the Kentucky Supreme Court. He stated that if Campbell County adopts anything less than a comprehensive ordinance, it is asking for a lawsuit and subsequent legal defense costs. During his tenure as a County Commissioner he has always tried to do his best to represent the citizens of Campbell County. He stated that they should not play politics with this issue; they should do what is right, and that is a comprehensive smoking ban for Campbell County.

Commissioner Otto made a motion to adopt Ordinance O-12-10 as originally written, seconded by Commissioner Hayden. Commissioner Rehtin requested that a roll call vote be taken. Judge Pendery stated that his attempt at a compromise was because he would rather have something than nothing. When faced with the choice of doing nothing or trying a comprehensive ban, he will vote with Commissioners Otto and Hayden. He complimented each member of the Fiscal Court on how they've comported themselves during this process. This is the most controversial issue that the Court has dealt with. Judge Pendery stated that whatever they do, it will make a lot of people unhappy. The vote was called as follows: Commissioner Otto "AYE", Commissioner Rehtin "NAY", Commissioner Hayden "AYE" and Judge Pendery "AYE".

Melissa Williams presented new business beginning with R-134-10 which was read by title and summary given. R-134-10 authorizes the County Judge/Executive to execute an Order of Affiliation with the Fire Department Bellevue Dayton Rescue Squad, Central Campbell Fire District Rescue Squad and Campbell County Search and Rescue Squad. Commissioner Rehtin made a motion to adopt R-134-10, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Resolution R-135-10 was read by title and summary given. R-135-10 authorizes the County Judge/Executive to execute a Block Grant Funding Application with the Kentucky Board of Emergency Medical Services to award grant monies through Senate Bill 66 Funds for Campbell County Ambulance Services. The County can apply for funding up to \$10,000. If this is received, it will be divided equally among the ambulance services in the County. Commissioner Otto made a motion to adopt R-135-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Resolution R-138-10 was read by title and summary given. R-138-10 establishes the regular meeting schedule for the Campbell County Fiscal Court for Calendar Year 2011. This sets the regular Fiscal Court meetings on the first Wednesday of the month at 7:00 p.m. in Alexandria and the third Wednesday of the month at 5:30 p.m. in Newport. Judge Pendery made a motion to adopt R-138-10, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to adjust the hourly compensation of Michael Short, Road Maintenance Specialist Level III from \$23.8358/hour to \$24.4326/hour in accordance with the AFSCME contract effective November 23, 2010. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to terminate the employment of Stephanie Heiert, Full Time Animal Technician, effective November 29, 2010. Motion was made by Judge Pendery, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire for the position of Full Time Animal Technician at the Campbell County Animal Shelter. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to appoint Robert Dieman, III to the position of Police Officer Grade I with the Campbell County Police Department with compensation set at 9A (\$17.4675/hour) effective January 9, 2011. Motion was made by Judge Pendery, seconded by Commissioner Rehtin.

A motion was requested to reappoint David K. Noran to the Sanitation District No. 1 Board of Directors for a four year term effective December 13, 2010 to December 12, 2014. Judge Pendery stated that it is good to have an experienced member on the SD1 Board at this time. Motion was made by Judge Pendery, seconded by Commissioner Otto. Commissioner Rehtin stated that Mr. Noran is a great asset to the Board, however he recommended that they explore getting new people involved in serving on the various boards. Commissioners Otto and Rehtin, and Judge Pendery voted "AYE" and the motion passed. Commissioner Hayden recused himself from voting on this motion.

Robert Horine presented Resolution R-139-10 by title and summary given. R-139-10 adopts an update of the Administrative Code. Mr. Horine explained that the County maintains an Administrative Code setting forth procedures for the operation of government and delivery of services. It has been updated to reflect changes in federal and state regulations, general housekeeping items, and to incorporate policies adopted by the current Fiscal Court over the last couple of years. Commissioner Rehtin made a motion to adopt R-139-10, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Commissioner Otto requested that the Fiscal Court recognize Newport Central Catholic and Highland High School for winning their respective State Championships in football. Both schools have excellent football teams and deserve recognition.

Commissioner Otto stated that this is his last Fiscal Court meeting and he is looking forward to beginning a new chapter in his life. He stated that the people that he's worked with are like family to him. The County employees are the best and their number one concern is always the citizens of Campbell County. Commissioner Otto stated that his tenure has been very enjoyable because the people that he has worked with have not played politics and have had the best interest of the citizens of Campbell County at heart. He named some of the individuals with whom he has held office.

Commissioner Hayden stated that this is also his last meeting. It has been an honor to serve the citizens of Campbell County and with this Fiscal Court. He stated that Judge Pendery gave him excellent advice early in his term – not to play politics. He stated that this Fiscal Court has accomplished a lot and he is proud of that and of his service to Campbell County. Commissioner Hayden stated that the Fiscal Court has an outstanding staff, particularly Robert Horine. He stated that Mr. Horine is the best County Administrator in the State. Mr. Horine has taught him a lot and his leadership has been inspirational.

Commissioner Rehtin stated that both Commissioners Otto and Hayden are hard workers and he thanked them for their service to the community and their membership on the Fiscal Court. Even when they disagree on an issue, they all respect each other.

Judge Pendery announced that an Oath of Office ceremony for Campbell County Office Holders will take place on Sunday, January 2, 2011 at 4:00 p.m. at the County Administration Building. The event is open to the public.

Judge Pendery announced that the County will once again partner with Northern Kentucky University to host a Christmas Tree Recycling Program. Details will be forthcoming and may be found on the County's website.

Judge Pendery stated that it has been an honor to serve with this Fiscal Court and he is proud of his association with Commissioners Otto and Hayden. He announced that a luncheon will be held in their honor on December 20, 2010.

Jim Seibert requested a motion to award bids for golf course materials for the 2011 season as recommended by Golf Course Superintendent Steve Myers. Mr. Seibert explained that the low bidder was chosen for all of the materials. Motion was made by Commissioner Rehtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed. A motion was requested to award bids for surplus property. Motion was made by Commissioner Rehtin, seconded by Commissioner Hayden. All voted "AYE" and the motion passed.

Resolution R-136-10 was read by title and summary given. R-136-10 authorizes the Judge/Executive to execute a contract with Cintas for document shredding services. The contract is for a term of one year and provides for secure document shredding services at a rate of \$34.68 for up to 300 pounds of documents per month. The County will realize a savings of about 30%

over the current costs. Commissioner Hayden made a motion to adopt R-136-10, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Resolution R-137-10 was read by title and summary given. R-137-10 approves fees for A. J. Jolly Golf Course for the year 2011. Mr. Seibert explained that there is no change in the rates from 2010. Commissioner Hayden made a motion to adopt R-137-10, seconded by Commissioner Rechtin. All voted "AYE" and the motion passed.

Mr. Seibert requested a motion to approve the transfers as presented for December 15, 2010. Motion was made by Commissioner Rechtin, seconded by Commissioner Otto. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for December 15, 2010. County Attorney Jim Daley stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Otto, seconded by Commissioner Hayden. 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 Judge Pendery. All voted "AYE" and the meeting adjourned at 8:50 p.m.

Attachments:

Ordinance O-13-10 Industrial Building Revenue Refunding Bonds
Ordinance O-12-10 Smoking Regulations
Resolution R-134-10 Annual Affiliation Agreements with Campbell County Rescue Squads
Resolution R-135-10 Ambulance Service Grant Application
Resolution R-138-10 Fiscal Court Meeting Schedule for 2011
Resolution R-139-10 Adopt Updated Administrative Code
Resolution R-136-10 Contract with Cintas for Document Shredding Services
Resolution R-137-10 Approve Fees for A J Jolly Golf Course for 2011
Transfers of December 15, 2010
Claims of December 15, 2010

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk