

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

September 5, 2007

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, September 5, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVE OTTO
KENNETH RECHTIN
MARK HAYDEN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
James Seibert	Director of Fiscal Affairs
Justin Verst	County Attorney
Col. Keith Hill	Chief, Campbell County Police Department
Susan Prather	Fiscal Court Clerk

The meeting was called to order at 7:00 p.m. by Judge Penderly. Cable Access was present to film the meeting.

Judge Penderly called for a moment of silence followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes from the Fiscal Court special meeting (regular meeting rescheduled) held August 22, 2007 was presented by Judge Penderly. Commissioner Otto made motion and Commissioner Rechtin seconded to approve the minutes of August 22 as presented. All voted "AYE" and the motion passed unanimously.

Next, Judge Penderly recognized citizens or public officials wishing to address the Court. Dr. Mike Schafer, representing Kramer and Charlotte Drives, presented a letter to the Court regarding the unresolved issue of who is responsible for the maintenance of these roads and whether they are public or private drives. The letter was then read into the record by Dr. Schafer. He concluded by requesting that the County acknowledge and document that Kramer and Charlotte Drives are public roads and if denied, to provide an explanation; the County disclose how they determined that Kramer was beyond repair; that the County clarify the liability issue as to who is responsible for injuries that may occur as a result of the road being in bad condition; that the County Engineer provide, at no cost to the residents, a list of improvements

that need to be made to Kramer and Charlotte Drives and a cost estimate for the improvements needed to bring the streets to an acceptable condition; and that the County be more cooperative in seeking alternative forms of funding for the repairs. Judge Pendery assured Dr. Schafer that the County will contact him prior to the next Fiscal Court meeting.

Mr. Harold Steffen then addressed the Court noting his concern regarding the tax rate increase set by Fire District No. 1. He presented a public notice regarding the proposed tax rate as published in the Campbell County Recorder. It was pointed out by Mr. Steffen that the legal notice was illegible and of very poor print quality. Mr. Justin Verst, County Attorney, explained that the Fiscal Court does not control the Fire District Board and therefore does not control the tax rate imposed. He explained that should a citizen wish to oppose the tax rate, a petition drive could be initiated along with contacting their attorney. Brief discussion took place as to the tax rate being proposed. Judge Pendery requested Mr. Steffen to provide his telephone number so that he may be contacted after the meeting.

Next, Mr. David Peck provided an update on the efforts of the Campbell County Conservancy. He stated that the Conservancy now owns 9.6 acres of property located in Parkside Subdivision. Remediation is beginning on the property which contains an amazing population of wildlife. The Conservancy received a conservation easement on a tract containing 108 acres. The property possesses a unique habitat and provides a nice opportunity for a County bike trail. Mr. Peck stated that the attempt is being made to purchase 140 acres in Central Campbell County. The property contains river frontage and would fill the need for a passive use area in the County. Grant funds, along with corporate donations, are being sought but are having little success in raising the needed funds for purchase of the property. Upon the request of Judge Pendery, Mr. Peck provided a brief history of the Conservancy explaining that the organization is charitable thereby all donations would be tax deductible. Mr. Dennis Walters then spoke regarding the Farmland Work Group whose goal is to preserve farmland and green infrastructure within Campbell County. He explained that the Conservancy plays a major role in the work group efforts.

Judge Pendery then invited Officer Eric Schmidt and Officer William Armstrong, a new hires with the Campbell County Police Department, along with Col. Keith Hill, Police Chief, to step forward for the administration of the Oath of Office. Upon completion of the Oath of Office, congratulations were offered by Fiscal Court members and Staff. Judge Pendery noted his appreciation of the Officers willingness to protect the citizens of Campbell County.

Col Keith Hill then presented Service Awards to Officers of the Campbell County Police Department. Lt. David Fickenscher was requested to step forward to accept his award for twenty (20) years of service with the Campbell County Police Department. Judge Pendery presented Lt. Fickenscher with his award while Chief Hill spoke to his accomplishments. Sgt. Ronald Ratliff was then requested to step forward for acceptance of his award for fifteen (15) years of service. Judge Pendery presented Sgt. Ratliff with his award while Chief Hill spoke to his accomplishments. Next, Patrolman William Bertke was requested to come forward to accept his award for fifteen (15) years of service. Judge Pendery presented Patrolman Bertke with his award while Chief Hill noted his accomplishments. Lt. David Fickenscher, Sgt. Ratliff and Patrolman Bertke were offered the congratulations and appreciation of the Fiscal Court.

There being no Old Business to come before the Court, the presentation of New Business was requested by Judge Pendery. Ms. Melissa Williams, Director of Administration, presented Resolution R-115-07 to the Court for consideration. The Resolution was read by title and a summary given: a resolution of the Campbell County Fiscal Court entering into a Cost Reimbursement Agreement with the Northern Kentucky Area Development District for operations at the Campbell County Senior Center for FY 2008. She noted that the amount of \$62,122.00 was awarded by the NKADD. The Agreement carries the recommendation of Pat Dressman, Human Services Director. It was moved by Commissioner Rehtin and seconded by Commissioner Otto. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Next, Ms. Williams presented Resolution R-116-07 to the Court for consideration. The Resolution was read by title and a summary given: a resolution of the Campbell County Fiscal Court to apply for Kentucky's "Ready, Set Success Program Grant" and to contract with the participating agencies as sub-contractors upon receipt of the grant. She explained that the grant would help fund the pilot project to improve children's health, safety and academic readiness. The grant, to address and develop new partnerships among local child and family-serving agencies, would be up to \$12,000 with a match of \$5,000 from the Campbell County Mental Health Payroll Tax. Pat Dressman, Human Services Director, is recommending the grant application. Motion was made by Commissioner Hayden and seconded by Commissioner Otto. Commissioner Rehtin questioned the amount of carry-over funding. Mr. Horine stated he was unaware of the amount but would forward the information to Commissioner Rehtin when received. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Resolution R-117-07 was then presented by Ms. Williams. The Resolution was read by title and a summary given: a resolution of the Campbell County Fiscal Court authorizing the County Judge/Executive to execute a Development Agreement with the Housing Authority of Newport, Kentucky and the Newport Millennium Housing Corporation for the Campbell County Homebuyer Assistance Program. She stated that the program has been funded by the \$1 million in Community Development Block Grant Funds and that the Agreement establishes the program responsibilities of each agency. Mr. Joseph Condit, Executive Director of the Housing Authority of Newport and Linda Fields, Secretary of the Newport Millennium Housing Corporation, along with Mr. Dennis Elrod, Grant Consultant, were available for questions. Mr. Condit briefly provided background information as to the Development Agreement and Community Development Block Grant Funds. Commissioner Rehtin requested further explanation as to the percentage of the loan forgiven while residing in the home. Mr. Elrod provided further explanation. Commissioner Rehtin expressed his concern that the program is limited to homes located within the City of Newport. Mr. Elrod explained the circumstances behind the homes being available only in the City of Newport. He welcomed the opportunity to offer homes elsewhere within Campbell County should the opportunity present itself. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Next, Ms. Williams presented Resolution R-118-07 to the Court for consideration. The Resolution was read by title and a summary given: a resolution of the Campbell County Fiscal Court approving guidelines for the Campbell County Homebuyer Assistance Program Revolving Fund. CDBG Project Procurement Standards. Ms. Williams explained that the resolution adopts the model procurement code to be utilized in the administration of the Community Development Block Funds for the Campbell County Homebuyer Program as provided by the Kentucky Office for Local Development (GOLD). Mr. Dennis Elrod stated that such a resolution is a requirement and acts as the framework for the recapturing of funds. Motion was made by Commissioner Hayden and seconded by Commissioner Otto. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Matters of Personnel were then brought before the Court. A motion to appoint Katie Tallon to the position of Part Time Human Services Intern at Grade 6E (\$10.20/hr.) effective September 5, 2007, was then requested by Ms. Williams. Motion was made by Judge Pendery and seconded by Commissioner Otto. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to David Plummer to the position of Administrative Analyst at Grade 11A, \$31,170.00 annually. Motion was made by Judge Pendery and seconded by Commissioner Hayden. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Under Appointments, Ms. Williams requested a motion to reappoint Ray Kremer, as a citizen representative, to the Northern Kentucky Area Development Board for a three year term, effective September 26, 2007 through September 25, 2010. Motion was made by Judge Pendery and seconded by Commissioner Otto. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Upon the conclusion of New Business, Judge Pendery requested reports from Staff. Mr. Robert Horine, County Administrator, presented Resolution R-119-07 to the Court for consideration. The Resolution was read by title and a summary given: A resolution of the Campbell County Fiscal Court authorizing the County Judge/Executive to execute Change Order Numbers 1-31 and 1-32 to the Contract with Perkins Carmack Construction LLC; Change Order Number 6-10 to the Contract with Spectra Contract Flooring; Change Order Number 9-3 to the Contract with Kleine and Sons, Inc.; and Change Order Number 15-34 to the Contract with ESI, Inc. for construction of renovation/addition to the Campbell County Detention Center. He noted that a final jail construction meeting is to take place the following morning. Motion was made by Commissioner Rehtin and seconded by Commissioner Otto. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Resolution R-120-07 was then presented by Mr. Horine. The Resolution was read by title and a summary given: a resolution of the Campbell County Fiscal Court expressing intent to participate in a Tax Increment Financing Development Area Plan. He stated that KRS 65.7051(4) provides that a County having jurisdiction within the proposed development area not initially participating in a proposed development plan shall have the opportunity to determine whether it will participate in the plan and shall determine and notify the entity proposing the

development plan within thirty days after the public hearing whether it will participate in the plan. Mr. Horine recommended that the resolution be passed to express the County's intent to participate in the "4th Street/Central Avenue Tax Increment Financing Development Plan Area" dated June 1, 2007 and revised August 1, 2007 as prepared by the City of Newport and Corporex Companies LLC. Mr. Horine noted that should the resolution be approved, a letter noting the intention of the County to participate in the Development Area would be forwarded to the City of Newport. A copy of said letter was included with the resolution. He pointed out that verbiage within the letter states the correspondence is intended solely to fulfill the requirements of KRS and does not commit the County to any particular action or involvement in the Development Area Plan and does not encumber or pledge any taxes or other revenues of the County. Mr. Horine introduced Mr. Tom Banta, Executive Vice President, and Karen Majors, Senior Capital Associate, who were in attendance to provide additional information regarding the Ovation Project. Motion was made by Commissioner Rechlin and seconded by Judge Pendery. Discussion then followed. Information was distributed to the Fiscal Court and a presentation made by Mr. Banta and Ms. Majors. The presentation included information as to the vision of the Ovation Project along with its anticipated economic benefits, the reasons behind the need for the Tax Increment Financing along with background information as to the overhaul of Kentucky TIF legislation. Ms. Majors then provided the qualifications to be designated a "Signature Project" such as Ovation along with the deadline imposed by the State in order to accelerate the review process. The targeted schedule for the local process and preliminary public assistance estimates for both the City of Newport and Campbell County were provided by Ms. Majors. Upon conclusion of the presentation, questions and comments were invited from members of the Fiscal Court. Commissioner Otto expressed his concern regarding the thirty day deadline presented in that he feels the Fiscal Court is being pressured to fast-track the project. Mr. Banta explained that the 30 day deadline was imposed in order to meet HUD guidelines. Conversation ensued regarding the Ovation project. Commissioner Rechlin noted his appreciation to Corporex for their participation in such an endeavor; however, he requested assurance that Corporex is funding the financial and legal expertise hired by the County. Discussion then took place as to the best means for funding the necessary opinions whether through reimbursement to the County or direct payment. Commissioner Rechlin requested time be set aside with Peck Schaffer and AG Edwards Consultants to discuss his concerns. He noted his agreement that such a project can not be completed without government participation. Judge Pendery pointed out that Peck Schaffer Attorneys has advised that the County can remedy their decision in the future. Commissioner Hayden stated his law firm is performing work for a principal company of Corporex and is therefore recusing himself from voting on the project. There being no further discussion, Judge Pendery, Commissioner Otto and Commissioner Rechlin voted "AYE" and Commissioner Hayden recused. The motion passed.

Neither County Attorney Justin Verst nor County Commissioners had additional reports to submit.

Judge Pendery then announced the following:

The Campbell County Senior Picnic will be held Wednesday, September 19 from Noon to 5:00 P.M. at Pendery Park. Tickets are \$6.00 pre-sale and \$8.00 at the gate. Tickets are available at the Senior Center and at the Fiscal Court Building.

The next Campbell County Fiscal Court meeting has been changed to Thursday, September 20 at 12:00 Noon due to the Senior Picnic. The meeting is scheduled for the Fiscal Court conference room located at 24 West Fourth Street, Newport.

Campbell County is hosting a "Tire Amnesty Program" September 13-15, 2007 at the County State Highway Garage, located at 9615 Alexandria Pike, Campbell County. The hours are 8AM to 4PM. Residents have no limits on tires. Foam filled Tires, off-road construction equipment tires, and solid tire on rims are not accepted. No tires will be accepted from auto retailers.

The Campbell County Fall Litter Abatement and Clean-Up is scheduled for October 26-28, 2007 from 8AM to 6PM. The locations are the same, Pendery Park, Campbell County Police Station, and the Campbell County Road Department.

The Fiscal Director's Report was then provided by Mr. Jim Seibert, Director of Fiscal Affairs. A motion to accept the Bid for a generator for the Lakeside Terrace Apartments was requested by Mr. Seibert. He recommended the acceptance of a bid by DPS Electric Inc. to provide a diesel emergency generator for the Lakeside Terrace Building at a price of \$95,343.00. Motion was made by Commissioner Rechlin and seconded by Commissioner Otto.

Mr. Seibert then requested a motion to award the bid for demolition of buildings at 11th and Monmouth Streets, in advance of construction of the new County Administration Building, to JP Excavating at a cost of \$46,623. Motion was made by Commissioner Otto and seconded by Judge Pendery. Judge Pendery noted that should an underground take be located, the cost quoted does not include its removal. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Next, Mr. Seibert presented Resolution R-114-07 for consideration. The Resolution was read by title and a summary given: a resolution authorizing the Campbell County Judge/Executive to execute a contract with the Campbell County Board of Education for Fiscal Year 2008 for the provision of bus transportation of parochial school students. Mr. Seibert stated a contract would be entered into at the cost of \$470,261.54. He noted that the State paid approximately 78% of the contracted amount in the past fiscal year. Motion was made by Commissioner Rechlin and seconded by Commissioner Hayden. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ordinance O-13-07 was then presented by Mr. Seibert for second reading and passage consideration. The Ordinance was read by title and a summary given: an ordinance relating to the 2007-2008 annual budget and amendments thereof. Motion was made by Commissioner Rechlin and seconded by Judge Pendery. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Next, Mr. Seibert requested a motion to authorize the purchase of three Ford Crown Victoria Interceptor package units for the Campbell County Police Department from State Contract. Said vehicles will be purchased from Countryside Motors for \$20,266.00 each, or for a total of \$60,798.00. Motion was made by Judge Pendery and seconded by Commissioner Otto. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested a motion to approve the claims and supplemental claim as presented. Mr. Verst reviewed the claims presented and all appear to be in order. It was moved by Commissioner Otto and seconded by Commissioner Hayden. There being no further discussion, all voted "AYE" and the motion passed unanimously.

There being no further business to come before the Fiscal Court, it was moved by Commissioner Otto, seconded by Commissioner Rehtin, that the meeting be adjourned. All voted "AYE" and the meeting adjourned at 9:33 p.m.

Attachments:

Resolution R-114-07 Contract with Campbell County Schools;
Transportation of Public School Children
Resolution R-115-07 Cost Reimbursement Agreement with NKADD
Resolution R-116-07 Success By 6
Resolution R-117-07 Development Agreement with Housing Authority of Newport
Resolution R-118-07 Guidelines for the Campbell County Homebuyer Assistance
Resolution R-119-07 Change Orders Campbell County Detention Center
Resolution R-120-07 4th Street/Central Avenue Tax Increment Financing
Ordinance O-13-07 General Fund Budget Amendment for FY08
Claims September 5, 2007
Supplemental Claim September 5, 2007

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

SUSAN A. PRATHER
Fiscal Court Clerk