

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

April 19, 2006

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, April 19, 2006, at 5:30 p.m. 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:
DAVID OTTO
KENNETH RECHTIN
MARK HAYDEN

Robert Horine
Justin Verst
Keith Hill
Sarah Collins
Ken Knipper
Pat Dressman
Jim Seibert
Melissa Williams
Bill Hofstetter

County Administrator
County Attorney
Campbell County Chief of Police
Interim Housing Director
Office of Emergency Management Director
Human Services Director
Fiscal Director
Director of Administration/Acting Fiscal Court Clerk
Secretary, Police Department Merit Board

The meeting was called to order at 5:30 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 Fiscal Court meeting of March 29, 2006. It was moved by Commissioner Otto and seconded by Commissioner Rechtin that the minutes of March 29, 2006 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery next asked if there were any public officials or citizens in attendance at the meeting who desired to address the Court. There were none.

Judge Pendery then requested items of Old Business be brought before the Court. Ms. Williams stated there was no Old Business.

Judge Pendery next requested items of New Business be brought before the Court. Ms. Williams requested a motion to adopt a Proclamation proclaiming April 23-29, 2006 as Volunteer Appreciation Week in Campbell County and urge citizens to recognize the many contributions that volunteers provide to our community and to thank them for making Campbell County a better place to live, work, and do business. Letters of appreciation will be sent to all individuals that presently volunteer for the Fiscal Court as Board members and those who volunteer in our various departments. Commissioner Rechtin made a motion and Commissioner Hayden seconded to approve the motion. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams requested a motion to adopt a Proclamation proclaiming April 23-29, 2006 as County Government Week in Campbell County and call upon citizens to join with the Fiscal Court in thanking County employees for providing the many services that make our community a strong, safe place to live and raise a family. This Proclamation coincides with National County Government Week. Commissioner Otto made a motion and Commissioner Rehtin seconded to approve the motion. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next presented Resolution R-54-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution adopts amended utility allowances for the Department of Housing. These allowances are reviewed annually by Sarah Collins, Housing Director, and if there is a change of at least 10%, Ms. Collins is permitted to make recommendations on changing the allowances. Ms. Williams noted that Ms. Collins was present to answer any questions. Judge Pendery asked Ms. Collins for any comments she would like to give on this Resolution. Ms. Collins stated that HUD mandates that if actual utility costs increase, the utility allowances have to be amended. Commissioner Rehtin made a motion and Judge Pendery seconded to approve Resolution R-54-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then presented Resolution R-55-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution allocates additional mental health/mental retardation tax funds for Fiscal Year 2006. A request was received from BAWAC to have additional funds allocated for their work services program in the amount of \$3,146. She noted that Pat Dressman, Human Services Director, was present to answer any questions. Commissioner Hayden made a motion and Commissioner Otto seconded to approve Resolution R-55-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next presented Resolution R-56-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution approves amended language to the Interlocal Agreement establishing the Campbell County Cable Board as the cable television regulatory for the participating local governments and authorizes the Judge/Executive to execute the amended Interlocal Agreement. These changes relate to amendments to KRS 136.600 whereby the State collects the fees related to telecommunication and in turn send those fees to the cities and counties. The new language clarifies the distribution of excess monies of the Cable Board going back to the member entities, states that the Board will not award any grants or allocate any personal property, and defines efficient operation of the Board. Judge Pendery made a motion and Commissioner Rehtin seconded to approve Resolution R-56-06. Mr. Horine noted that some of the cities had a concern with the Cable Board getting more money than they need to deliver their services, and the new language clarifies that that money will be distributed back to those cities. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then presented Resolution R-57-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution allocates mental health/mental retardation tax funds for Fiscal Year 2007. The total allocation for the upcoming Fiscal Year is \$894,421. She noted that Pat Dressman, Human Services Director, was present to answer any questions. Commissioner Hayden made a motion and Commissioner Otto seconded to approve Resolution R-57-06. Judge Pendery thanked Ms. Dressman for the work that she does to provide this information to the Fiscal Court. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next presented Resolution R-58-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution allocates the senior citizens tax funds for Fiscal Year 2007. The allocation for the upcoming year is \$411,795. She noted that Pat Dressman,

Human Services Director, was present to answer any questions. Commissioner Rehtin made a motion and Commissioner Otto seconded to approve Resolution R-58-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then presented Resolution R-60-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Judge/Executive to execute a Lease Agreement with Campbell County Rural Knothole Baseball, Inc. for use of the Campbell County Sports Complex baseball fields. The term of this lease is for a period of 10 years with provision for an additional 10 years. New language consists of additional paragraphs relating to the lighting of the fields. Commissioner Rehtin made a motion and Commissioner Otto seconded to approve Resolution R-60-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next presented Resolution R-61-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Judge/Executive to execute documents relative to an intent to renew the Section 8 Contract KY36-M000-092. This is the final documentation necessary for the one-year renewal of the Contract between Lakeside Terrace and HUD, and the annual rent increase. She noted that Reno Deaton, Lakeside Terrace Manager, is recommending execution of these documents. Commissioner Otto made a motion and Judge Pendery seconded to approve Resolution R-61-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then presented Resolution R-62-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution authorizes the Judge/Executive to execute a Water Withdrawal Agreement with Hinkle Contracting. This company is doing the Phase I U.S. 27 work and approached the County about using water out of the A.J. Jolly Lake. In return for the water withdrawal, Hinkle will help with equipment for the bank stabilization project. Commissioner Rehtin made a motion and Judge Pendery seconded to approve Resolution R-62-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams then requested a motion to accept the resignation of Ralph Reis, part-time Janitor/Maintenance Worker at Lakeside Terrace Apartments, effective immediately. Commissioner Rehtin made a motion and Commissioner Hayden seconded, to approve the motion to accept Mr. Reis' resignation. Judge Pendery commented that it is with regret that the Court accepts Mr. Reis' resignation. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to authorize staff to advertise, interview and hire for the position of Part-Time at Lakeside Terrace Apartments. Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to appoint the following seasonal employees for the 2006 Park Season: Jeff Beiting and William Ferring as Park Maintenance Workers, at \$9.45/hr., Heidi Rawe, Daniel Lynn, Elizabeth Holtz, James Herald and James Ranshaw as Camping/Concession Workers at \$9.10/hr., all effective immediately. Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Glenn Scott Greger to the position of Maintenance Technician, effective April 20, 2006, with compensation set at Grade 9K, \$15.12/hr. She noted that Mr. Greger has HVAC certification and comes highly recommended, and Russell Guy, Maintenance Manager, and Naguanda Deaton, Personnel Director, both recommend Mr. Greger's hiring. Judge

Pendery made a motion and Commissioner Hayden seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-69-06, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution sets the compensation for County Commissioners and the County Coroner for the term of elected office, beginning January 1, 2007. Judge Pendery made a motion and Commissioner Rehtin seconded to approve Resolution R-69-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Ms. Williams next requested a motion to accept the resignation of Patrolman Donald T. Taylor from the Campbell County Police Department, effective April 23, 2006. Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to appoint Donna Beatsch to the Technical Advisory Committee for the Northern Kentucky Solid Waste Management District, effective immediately. Judge Pendery made a motion and Commissioner Hayden seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. County Administrator, Robert Horine presented Resolution R-63-06, 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 enter into an agreement with St. Philip Church for a voting location. This is as a result of the Federal Help America Vote Act, with a handicapped voting location being needed in the Melbourne area, requiring the need for a paved parking area. St. Philip Church is willing to make their parish center available as a polling location, but the parking area must be paved. As part of the agreement, St. Philip Church is interested in having a broader area paved and is willing to pay for the material to do so. Commissioner Otto inquired as to whether the County would pay St. Philip Church for the use of using their parish center as a polling center. Ms. Williams stated that the County does pay for this use. Commissioner Otto made a motion and Commissioner Rehtin seconded to approve Resolution R-63-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Mr. Horine next presented Resolution R-65-06, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution accepts additional bids and corrects a bid amount for construction of a 256-bed addition to the Campbell County Detention Center, and renovation of existing space within the Detention Center. In the previous bid packages, there were two packages that received one bid each. Additional bids were sought and more competitive bids were received. The total amount of the new bids is \$176,544, compared to \$226,000 for the same packages the first time around. It is recommended that the painting bid be awarded to Stithmeier Painting in the amount of \$126,890, and the elevator bid be awarded to Thyssen Krupp in the amount of \$49,654. The previously reported bid amount of \$17,912 for the flooring should have been \$50,000. Commissioner Rehtin made a motion and Commissioner Hayden seconded to approve Resolution R-65-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Mr. Horine next presented Resolution R-66-06, 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 approve and execute change orders for the jail addition and renovation project for up to 5% of the approved bid amount. He noted that bid packages are awarded for the actual amount, with no contingency amounts included. If a contractor later has to make additions or changes to the work included in the bid amount, those additions or changes require a change order. If change orders result in an amount over 5%, those change orders would require approval of the Fiscal Court. Judge Pendery pointed out that all change

orders would continue to be reported to the Fiscal Court. Commissioner Rechten stated that with a total project amount of \$7 million, \$350,000 could be approved by this blanket Resolution. Mr. Horine stated that that amount would be across the board and include perhaps 15 bid packages that would be 5% over in any one of those packages. Commissioner Rechten stated that he believes this is an excessive amount for one person to review, and he would prefer to continue the process of approving change orders as it has been in the past, even though this process may prove to slow things down somewhat and cause more review. Judge Pendery suggested that perhaps the change orders could be circulated by e-mail and once the Commissioners have signed off on their approval, he would then execute the change orders. Commissioner Otto stated that he would be in favor of the e-mail process, and prefers to see the change orders prior to approval. Mr. Horine stated that the timing has not been a significant issue with the change orders, but more the amount of paperwork that has been involved and the processing of that paperwork. County Attorney Verst stated that the members may want to consider authorizing the Judge/Executive to approve the change orders unless one of the Commissioners prefer that the change order be an agenda item for approval at a meeting. Mr. Horine then asked for approval of the Resolution, with the understanding that the language will be changed to reflect that all change orders will be e-mailed to the Commissioners asking for approval and preference of putting the item on the next meeting agenda. Commissioner Rechten made a motion and Commissioner Otto seconded to approve Resolution R-66-06, with the change in language as stated by Mr. Horine. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Mr. Horine then presented Resolution R-68-06, 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 enter into an agreement with Atkins-Elrod & Associates to provide consultant services for a Community Development Block Grant. This relates to the CDBG application that the Fiscal Court has agreed to on behalf of the Newport Housing Authority that seeks \$1 million for a home ownership project in the city of Newport. The costs of the consultant services will be paid from the grant and there will be no direct cost to the Fiscal Court. A hold harmless agreement will be obtained from the Newport Housing Authority in case they are not successful in securing the grant. Commissioner Hayden made a motion and Commissioner Rechten seconded to approve Resolution R-68-06. Commissioner Rechten asked if the Housing Authority could put up the amount to hire a consultant. Mr. Horine stated that he does not believe the County will have to pay anything for the consultant until it is known if the grant has been received. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Mr. Horine next presented Resolution R-70-06, 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 approve and execute change orders in the amount of \$5,257 to the contract with Wright Contracting Services for the addition at the Campbell County Animal Shelter. It became necessary to have the contractor replace the floor tile in several areas at the Shelter at a cost of \$3,124, and to replace ceiling tile in several areas at a cost of \$2,133. This additional amount will be paid from donations received. Commissioner Hayden made a motion and Commissioner Rechten seconded to approve Resolution R-70-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

County Attorney Verst then reported that the payroll tax lawsuit has been assigned to a three-judge panel before the Court of Appeals and the Court has issued an order that they will not have oral arguments, and it is hoped that the case will be heard in a matter of a few months.

Commissioners Otto, Rechten and Hayden stated that they had nothing further to report. Commissioner Rechten welcomed Commissioner Hayden back to work after his recent surgery. Commissioner Hayden stated that he had surgery at St. Luke Hospital and received terrific care. He commended the Hospital and its staff for the wonderful service and care they provided.

Judge Pendery then announced that the next Campbell County Mayors' meeting will be held on Tuesday, April 25, 2006 at the Wilder City Building, and that the next Campbell County Criminal Justice Advisory Commission meeting will also be held on that day at Noon at the Campbell County Detention Center. He also announced that the next meeting of the Advisory Committee on the Comprehensive Plan will be held on April 20, 2006, at Noon, at the Wilder City Building.

Judge Pendery then asked for a report from the Fiscal Director. Mr. Seibert requested a motion to authorize staff to bid out the replacement of the Jerry Wright Road Bridge, which is part of the Campbell County Road system. Commissioner Rechtin made a motion and Commissioner Hayden seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Mr. Seibert next presented Resolution R-59-06, 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 make application to the Kentucky Transportation Cabinet for reimbursement for the transportation of non-public school children for school year 2005-2006 based on the County expenditure of \$437,272.84. He noted that the County received an approximate 95% return on this expenditure last year. Commissioner Rechtin made a motion and Commissioner Otto seconded to approve Resolution R-59-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Mr. Seibert next presented Resolution R-64-06, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution grants Sheriff Dunn, Jr. his quietus for 2005 taxes. Commissioner Rechtin made a motion and Judge Pendery seconded to approve Resolution R-64-06. There being no further discussion, a roll call vote was taken with Judge Pendery, Commissioner Otto, Commissioner Rechtin and Commissioner Hayden voting "AYE." The motion was unanimously approved.

Mr. Seibert next presented Resolution R-67-06, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes the advertisement for bids and the distribution of preliminary official statements for the purchase of Campbell County General Obligation Project Bonds, Series 2006, in an aggregate principal amount not to exceed \$15 million. Commissioner Rechtin made a motion and Commissioner Hayden seconded to approve Resolution R-67-06. There being no further discussion, all voted "AYE," and the motion was unanimously approved.

Mr. Seibert then requested a motion to authorize the purchase of a 2006 Ford 250 Pickup Truck from Man-O-War Ford in Lexington, Ky., for the amount of \$18,225, from State contract. Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. There being no further discussion, all voted "AYE" and the motion passed unanimously.

Mr. Seibert next requested approval of the Claims being presented at this meeting. County Attorney Verst stated that he had reviewed the Claims, and they appear 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.

Ms. Dressman then reminded the Court members that the Senior Center Volunteer Appreciation Dinner will be held on Thursday, April 27, 2006. She also reported that she nominated Ray Kramer for the Kentucky Association for Gerontology Thoroughbred Award and Mr. Kramer received this award.

Mr. Horine then requested a motion to enter into Executive Session per KRS 61.810(1b) to discuss the future acquisition of property by the County. There being no further discussion, Commissioner Rechtin made a motion, seconded by Commissioner Otto, to enter into Executive Session. All voted "AYE" and

the motion passed unanimously. The Court then entered into Executive Session, with Mr. Verst, Mr. Seibert and Ms. Williams being invited to attend the session.

At the conclusion of the Executive Session, Ms. Williams requested a motion to exit the Executive Session. There being no further discussion, Commissioner Otto made a motion, seconded by Commissioner Rechtin, to exit the session. All voted "AYE" and the motion passed unanimously.

Judge Pendery stated there would be no further actions taken at this meeting as a result of the Executive Session.

There being no further business to come before the meeting, it was moved by Judge Pendery, seconded by Commissioner Otto, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 6:28 p.m.

Attachments:

Resolution R-54-06:	Utility Allowances for Housing Department
Resolution R-55-06:	Allocation of Additional MH/MR Tax Funds
Resolution R-56-06:	Amendment to Cable Board Interlocal Agreement
Resolution R-57-06:	Allocation of 2007 MH/MR Tax Funds
Resolution R-58-06:	Allocation of 2007 Senior Citizens Tax Funds
Resolution R-59-06:	Reimbursement for Transportation Expenses of Non-Public School Students
Resolution R-60-06:	Lease for Use of Campbell County Sports Complex
Resolution R-61-06:	Lakeside Terrace Section 8 Final Documentation
Resolution R-62-06:	Water Withdrawal Agreement-A.J. Jolly Lake
Resolution R-63-06:	Agreement for Asphalt Work on Voting Precinct Parking Lot
Resolution R-64-06:	Approval of Sheriff's Quietus for 2005 Taxes
Resolution R-65-06:	Approval of Bids for Detention Center Project
Resolution R-66-06:	Authorization for Approval of Change Orders for Detention Center Project
Resolution R-67-06:	Approval to Advertise for Bids for Bonds for Detention Center Project
Resolution R-68-06:	Agreement for Consultant Services for CDBG Grant for Newport Housing
Resolution R-69-06:	Setting of Compensation for Certain Elected Officials for Term of Office
Resolution R-70-06:	Approval of Change Order for Animal Shelter Project
Proclamation:	Volunteer Appreciation Week
Proclamation:	County Government Week
Claims:	April 19, 2006

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Melissa A. Williams
Acting Fiscal Court Clerk