

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

SEPTEMBER 19, 2018

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, September 19, 2018, 5:30 p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

COUNTY COMMISSIONERS
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Tom Edge	Assistant County Attorney
Matt Elberfeld	County Administrator
Kim Serra	Assistant County Administrator
Paula Spicer	Fiscal Court Clerk
Chief Craig Sorrell	Campbell County Police Department
Frank Spataro	Human Resources Director

The meeting was called to order at 5:30 p.m. by Commissioner Painter. He announced that Judge Pendery was out of town and entertained a motion for someone to chair the meeting. Commissioner Lampe made a motion to have Commissioner Painter preside over the meeting in the absence of Judge Pendery. Commissioner Painter seconded the motion. Commissioners Lampe and Painter voted “AYE”, Commissioner Coleman voted “NAY” and the motion passed. Cable Access was present to film the meeting.

Commissioner Painter led the recitation of The Lord’s Prayer, followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present.

Minutes from the Fiscal Court regular meeting of September 5, 2018 were presented. Motion was made by Commissioner Lampe to approve the minutes, seconded by Commissioner Painter. All voted “AYE” and the motion passed.

Commissioner Painter announced that there were no guests scheduled to speak but three people from the same family had signed in to speak. He asked that they keep their comments to about three minutes. Commissioner Coleman stated that since there were so few people in attendance he did not think a time limit was necessary; there was never a limit before. Commissioner Painter stated that depending on what they want to talk about, a lot of time has been spent on these issues. Mr. David Culp Jr. disagreed with the time limit and asked if Commissioner Painter had read his last email. Commissioner Painter stated that he had.

Mr. David Culp Jr. stated that if they read his email then they know how he feels and his displeasure of how things were handled. He stated that this would be the last meeting they

attend. He can read the writing on the wall – how and why this program was implemented – it is purely political – purely a leftist, progressive initiative. The science behind the program is BS. If there is creditable science behind it, there should be graphs/charts of the efficacy of the TNR program. The program started in Jacksonville, Florida ten years ago; he would like to see data to show how well the program has done to reduce the cat population. It has been in Campbell County since 2016. The only hard numbers from the TNR program are “save rates” – how many cats were not euthanized. Since the adoption of O-09-18, they have requested a modification of the definition of community cat and language added that sections 90.04(A) and (D) are applicable to community cats. Mr. Culp Jr. stated that they have made multiple records requests. When his father gets them, he will create some graphs/charts that will show the efficacy of the TNR program. Commissioner Painter asked if the next person wanted to talk and then staff could address specific points. Mr. Culp Jr. repeated his request that the definition of community cats be modified. Commissioner Painter pointed out that the Fiscal Court made a nuisance ordinance because of the situation. In response to a question, Mr. Elberfeld affirmed that the nuisance ordinance does apply to the Cities of Dayton and Bellevue – it is Countywide. Commissioner Painter asked for the next speaker. He stated that there are many valid points and they would like to hear them. Mr. Culp Jr. stated that it would have been nice to read some things into the record rather than by email. He would like direct answers to some of his questions such as heat maps. Mr. Elberfeld stated that the answer is in the response to the open records request. Mr. Culp Jr. then asked if the cats are being returned to the exact location from where they were picked up. If so, they are following the science, as they should. The science tells you that if you take them somewhere else, it psychologically damages the cat and you are creating a vacuum effect in the area where the cat was. If they are not returned to the exact location they are violating the science, which begs the question of, where are you taking the cats? There is no way to verify it.

Mr. David Culp Sr. stated that he believes that he has a solution to the problem. This will be the last time he comes to speak about this issue. In his last request he asked for a general area of where the cats are picked up and returned in order to help the City to see if there is one problem area in the City. He stated that the Fiscal Court did not give him a reason why he could not have the information. Commissioner Painter stated that they do not want what happened to him to happen again. Mr. Culp Sr. stated that there were 19 cats at this particular property. He knows that an employee of Animal Control brought food for the cats. The County came and met with the neighbors but they did not intend to take the cats away. Their solution was to train a lady on how to feed the cats and give people pamphlets on how to deter cats from coming on their property. He is not accusing anybody of anything. Mr. Culp Sr. wondered if the reason they won't give him the area is because the numbers have been misconstrued. Because nobody follows the Animal Control Officer, who is to say that she doesn't pick up a cat in area A and drop it in area B. He has to question the fact that his City has more cats than any other community. Commissioner Painter stated that his statement goes to the integrity of the officer. That is the reason for employee job reviews and performance evaluations. Mr. Culp Sr. stated that there is language written that they cannot be prosecuted for trapping and releasing. Commissioner Painter related his experience in trapping animals and the need to check traps and treat the trapped animal humanely. He is sure that when they live-trap animals they keep that in mind. Mr. Culp Sr. stated that if he wanted to be nasty he could trap a cat in his neighborhood and put it in another neighborhood, which would solve his problem but create a problem for somebody else. He explained his solution. He suggested that the SPCA and animal shelters set

up a program where sometime they allow people to come to a certain area to adopt some of these cats. There are people who are not aware that the cats have been spayed/neutered/vaccinated. They could have the opportunity to adopt a cat for the price of the license and if they adopt a cat they must comply with the codes of their particular cities. Since the cats are community cats by language and distinguished from other cats by being sterilized and ear-tipped, any cats not adopted should be kept on community property such as parks or any building funded by tax money. He stated that if these are community cats they belong on community property. If a cat comes on his property he is going to trap it and take it to a County park.

Ms. Shannon Culp stated that she has been watching the body language during the times when they have come to meetings and have watched them dismiss her family, her father and her brother. Commissioner Painter stated that they have not dismissed anybody. Ms. Culp stated that Judge Pendery has and Commissioner Painter has – there never was a time limit on speaking. She will be a big part of the voting process this year. She is a homeowner in Bellevue and she is now dealing with the same situation that her father is dealing with. She can't call dispatch every time there is a cat in her yard while trying to trap a cat. Calling dispatch is for people who need police assistance or an ambulance. The cats in her yard are a nuisance. She knows that the cats were not brought back from where they were taken. She is not feeding them and she is allergic. Something has to be done to protect rights of homeowners. Ms. Culp stated that she does have the right to question the integrity of an officer paid with tax dollars. She has seen the (Animal Control Officer's) van sitting at her sister's house in the alley and they have watched her on camera delivering food and then lie about it. She stated that there is a discrepancy in the number of cats picked up in Ft. Thomas, the number of cats in Bellevue and number of cats in Dayton. Newport does not participate in the TNR program so no cats are being released back to Newport. Ms. Culp thinks the Fiscal Court is not releasing data because they are picking up cats in Ft. Thomas. Steve Franzen told her that he would never let this happen in his City. That is why she questions where the cats from Ft. Thomas are taken, why there is no record and why there are so many cats in her neighborhood. Commissioner Painter stated that there is data that the cats are trapped, neutered and released back into the same area. Mr. Elberfeld added that they could not disclose the street address due to privacy issue. Ms. Culp stated that they do not want the address; it is not illegal to say the 300 block of a certain street. Mr. Elberfeld agreed, but stated that the data does not exist. He explained that the County did not create the heat maps, Planning and Development Services (PDS) create and supply the heat maps in PDF format – it is all explained in his response to the open records request. Mr. Culp Sr. clarified that if he cannot get the information from the County he can get it from somebody else. Mr. Elberfeld agreed stating that it is all in the response that was sent to them. The law requires that he advise you of the documents that the County has. If it doesn't have them but knows of a public agency that may, it has to disclose that and it did.

Mr. Culp Sr. asked the attorney that if these are community cats shouldn't they be returned to community property and be kept there. Mr. Edge replied that it depends on your definition of community property; your definition is community parks. The cats are put back where they are found. If they are found on a street, sidewalk or park there is a broad scope of area where they could be returned. Mr. Culp Jr. stated that that broad scope of area turns out to be private property. Mr. Edge began to say that he has deer in his neighborhood. Mr. Culp Jr. stated that you cannot compare the two. He continued commenting and Commissioner Painter asked him to allow Mr. Edge to finish. Mr. Edge stated that he would forgo answering the question because

he had been interrupted several times. Mr. Culp Jr. asked who is responsible for drafting the amending ordinance to change the definition of community cat – when is that going to happen. Is someone going to draft an amending ordinance to change the definition of community cat to state that Sections 90.04 (A) and (D) are applicable to community cats – who is in charge of that? Commissioner Lampe replied that it would be up to the County Attorney's office to determine if it is appropriate. Mr. Edge stated that in his opinion the ordinance does not need further amending. Commissioner Lampe stated that he expected that answer. He stated that the Fiscal Court has entertained the Culp's comments repeatedly at these open meetings, which is why they are here. They have entertained emails, listened, have modified the ordinance and have responded to their requests to try to make improvements in the program. Unfortunately, Mr. Culp is a victim of a bad situation. The County is still trying to work through it, while respectfully listening to their comments and requests. Mr. Culp Jr. stated that he has no disagreement, but the definition of community cats is still wide open and makes community cats above the law.

Mr. Culp Jr. then asked if the organization that created/provided heat maps did it prior to the implementation of the TNR program. If the County is doing its job, it should be continually monitoring the population density of community cats at least quarterly or every six months to insure that there are no more new cats. Mr. Elberfeld replied that the heat maps are post implementation of the program. This is contained in the response that was sent to Mr. Culp. Mr. Culp Jr. stated that in order to create the heat maps they have to be getting the data from the County where the cats are picked up and are returned. Mr. Elberfeld did not know where PDS gets its data. Mr. Culp Jr. stated that there is no way to create the heat maps without that data. Commissioner Painter stated that the Culp's would get the heat maps with the other responses to their request. He agreed with Commissioner Lampe that the Fiscal Court has addressed the issues. Mr. Elberfeld stated that there were 11 requests. One request they did not have the data for was for logs based on patrols; the County animal shelter staff does not patrol and therefore no records met that request. If the County had the responsive records, they are on the flash drive waiting to be picked up. The County has cooperated with their request. Mr. Culp Sr. thanked them for everything. If he got a little loud, it is because he is frustrated because after everything that has happened there is no intention to take the cats out of his neighborhood. Commissioner Painter stated that the theory is that as the cats die out, they will not be replaced. The driving force behind this is that people are tired of killing 700 cats a year – it is a horrible job. When the people who had to perform euthanasia saw that there was another way, they took advantage of the fact that there was money to pick up and neuter the animals. Mr. Culp Sr. stated that he agrees with the program and has never been against it. Commissioner Painter stated that the intent was not to put the number of cats at Mr. Culp's house. This program has not been a problem with the other eight northern Kentucky counties. Mr. Culp Sr. stated that he only knows of one cat that was taken off of the property. He stated that the barn cat program and it is a good program but zero cats went to the barn program. Ms. Culp asked what if a person does not want a cat back once it is picked up. Mr. Culp Sr. stated that the intent never was to take the cats; the intent was to spay/neuter and return them to where they came from. They do not care about his rights. Mr. Culp Jr. agreed stating that if you don't have the same opinion as the animal rights activists you are sub-human. It is all take and no give. He went on to say that this is the difference between liberalism and conservatism. This is part of a much larger fight for the soul of this country – liberalism and conservatism. A liberal will expect you to take this program and everything up the keister and smile about it and put up with it. There is zero respect for

anybody's property rights. The science says you pick up a cat here and put it back exactly there, because if you take it somewhere else a vacuum effect occurs and you damage the cat psychologically according to Dr. Pizzano. The science is BS. His final request is that the County monitor the population density of the cat colonies and if there gets to be too many cats in a certain area have them picked up and relocated. Commissioner Painter explained how the heat maps are made, they are not actually putting addresses in where the cats are dropped off they probably do not have that information. Ms. Culp asked how is it humane to leave cats in 99 degree or zero degree weather without shelter? Commissioner Painter stated that the alternative is death. He stated that cats are very adaptive and resourceful animals and can survive. Ms. Culp stated that if she left her dog locked up or chained up out in zero degree weather she would be reported. Mr. Culp Sr. thanked the Fiscal Court for their time. He advised that if the problem happens to them, they should take the cats to the park. That is where he is taking them.

Paula Spicer presented old business with a second reading of Ordinance O-11-18. O-11-18 enacts and adopts the 2018 S-37 Supplement to the Code of Ordinances of the County of Campbell, Kentucky to incorporate ordinances/resolutions adopted from January 1, 2018 through June 30, 2018. Commissioner Lampe made a motion to adopt O-11-18, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

New business was presented next beginning with Resolution R-90-18 by title and summary. R-90-18 authorizes the Judge/Executive to execute a Memorandum of Agreement with the Northern Kentucky Area Development District (NKADD) for operations at the Campbell County Senior Center for fiscal year 2019. Commissioner Painter made a motion to adopt R-90-18, seconded by Commissioner Lampe. Commissioner Painter pointed out that Campbell County's is the most used Senior Center in Kentucky. All voted "AYE" and the motion passed.

Ordinance O-12-18 was presented for a first reading. O-12-18 updates the official County Maintained Road list in Campbell County, Kentucky to add Pondwoods Drive. No vote was taken on the first reading of this ordinance.

Commissioner Coleman stated that in the time they've talked about the cat issue, it is a shame that they've never spent one second talking about little babies being killed. Commissioner Painter agreed. Commissioner Coleman stated that everybody seems to be pretty concerned about these cats. Too bad they don't have the same concern about babies.

Commissioner Coleman asked Mr. Elberfeld if he has had any calls about scooters. Mr. Elberfeld stated that he has seen plenty of media activity about scooters in downtown Cincinnati and Lexington but has not had any calls. Commissioner Coleman stated that he received a call from a business owner. Mr. Elberfeld stated that perhaps some of the cities have had calls and asked Mr. Edge if the City of Dayton has had any calls. Mr. Edge stated that there has not been a problem in Dayton, but he has seen the scooters in Newport. Mr. Elberfeld has heard about the issues with people riding them on sidewalks. Commissioner Coleman stated that the inquiry was from Newport at the shopping center. Mr. Elberfeld stated that the scooters are less sophisticated than the red bike rentals.

Commissioner Coleman stated that it has been brought to his attention about grass clippings and the danger to motorcycles. This may be something they will have to address in the future. Mr. Elberfeld stated that it is something to look at; he will talk to Luke Mantle about it.

Commissioner Lampe thanked the Campbell County Conservation District that held its Farm to Fork Dinner last night celebrating the County's agricultural heritage. It was well attended and a wonderful event.

Commissioner Painter announced that the 51st Annual Senior Citizen Picnic will be held on Thursday, September 20 from 11am to 4pm at Penderly Park in Melbourne. Tickets are \$10 in advance and \$15 at the gate and may be purchased at the Campbell County Senior Center and the Campbell County Administration building.

Matt Elberfeld requested a motion to approve budget transfers as presented for September 19, 2018. He explained that the transfers do not increase the overall budget they only reallocate certain funds. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims and supplemental claims as presented for September 19, 2018. Assistant County Attorney Tom Edge stated that the County Attorney has reviewed the claims and supplemental claims and determined that they all appear appropriate. Commissioner Lampe made a motion to approve the claims, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Lampe made a motion to adjourn, seconded by Commissioner Painter. All voted "AYE" and the meeting adjourned at 6:14 pm

Attachments:

Ordinance O-11-18 Adopt Code of Ordinances Supplement
Resolution R-90-18 Agreement with NKADD for Senior Center Operations
Ordinance O-12-18 Update Official County Maintained Road List
Budget Transfers Dated September 19, 2018
Claims and Supplemental Claims Dated September 19, 2018

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk