

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

DECEMBER 21, 2016

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 21, 2016 at 5:30p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS
CHARLIE COLEMAN
TOM LAMPE
BRIAN PAINTER

Steve Franzen	County Attorney
Matt Elberfeld	County Administrator
Marie Schenkel	Finance Director
Paula Spicer	Fiscal Court Clerk
Frank Spataro	Human Resources Director
Seth Cutter	Economic Development Manager
Colonel Craig Sorrell	Campbell County Police Department
Larry Harrod	Parks and Recreation Director

The meeting was called to order at 5:30 p.m. by Judge Pendery. Cable Access was present to film the meeting.

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

Minutes from the Fiscal Court regular meeting of December 7, 2016 were presented. Commissioner Lampe made a motion to adopt the minutes, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Kim Webb, Executive Director of the Emergency Shelter of Northern Kentucky presented an update to the Fiscal Court on the shelter's summer and winter programs. She provided a sheet containing statistics on number of guests in winter and summer, age and gender of guests and the percentage from each county. It is the only shelter that will take actively addicted individuals, is handicapped accessible and will take direct referrals from hospitals, jails, and local law enforcement agencies. The shelter's capacity is 74 guests when above freezing, when it is below freezing they try not to turn anybody away. This winter they have seen an increase in the

number of guests and an increase in number from Campbell County. Ms. Webb talked about the summer shower and laundry outreach and summer recovery programs. She thanked the Fiscal Court for its support and answered questions.

Marie Schenkel made a presentation on the County's efforts at open government and transparency through use of OpenGov. The basic doctrine of OpenGov is that citizens have the right to witness proceedings and have access to documents. She reviewed ways that the Fiscal Court has accomplished open government and transparency, then described OpenGov as an on-line tool which allows access to the County's financial data in an easy graphic, searchable format. About 1,200 organizations across the country use OpenGov; Kenton County is planning to implement it, Boone County, and the Cities of Edgewood and Ft. Wright are currently online. Ms. Schenkel demonstrated the features and ways to search for data. Ms. Schenkel stated that the "Contact Campbell County" feature is for questions about data on the site and how to use the site, it is not intended to replace open records requests. She thanked the Finance Department staff for their work on getting this program operating. Steve Franzen answered Commissioner Coleman's question about open records requests which must be submitted in writing.

Judge Pendery invited comments from the public. No one had signed up to speak, therefore he proceeded with the agenda.

There being no old business, Paula Spicer presented new business beginning with Resolution R-106-16 by title and summary given. R-106-16 authorizes the Judge/Executive to execute a release agreement to the Memorandum of Understanding with The Hillshire Brands Company and the Campbell County Economic Progress Authority. Commissioner Lampe made a motion to adopt R-106-16, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Resolution R-107-16 was read by title and summary given. R-107-16 approves an amendment to the contract with Coverall Health-Based Cleaning System to include cleaning of the wellness center at the Campbell County Senior Center for Fiscal Year 2017. The Fiscal Court currently pays \$395 per month for cleaning of the Senior Center. The weekly cleaning of the wellness center will cost an additional \$65 per month. Commissioner Lampe made a motion to adopt R-107-16, seconded by Judge Pendery. All voted "AYE" and the motion passed.

Resolution R-108-16 was read by title and summary given. R-108-16 authorizes a Canada Geese hunting program at A J Jolly Park. Commissioner Painter made a motion to adopt R-108-16, seconded by Commissioner Lampe. Larry Harrod advised that an informational meeting regarding the hunt will be held on December 22 at 6pm at the Environmental Education Center to explain why the program is happening and for hunters to register. Judge Pendery pointed out that the geese do a lot of damage at the park and the golf course. Mr. Harrod listed all of the ways that they've tried to rid the park of geese. Only 21 geese were taken in a similar hunt held about four years ago. Participants in the hunt will have to register and sign a waiver. All voted "AYE" and the motion passed.

Resolution R-110-16 was read by title and summary given. R-110-16 approves submission of a recommendation to the Kentucky Transportation Cabinet, Department of Rural and Municipal

Aid, for the use of flex funds in the amount of \$100,368 to resurface Nine Mile Road (CR 1015). Commissioner Painter made a motion to adopt R-110-16, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Benjamin Seever from Road Maintenance Specialist Level II (\$23.84 per hour or \$49,587.20 annually) to Level III (\$26.31 per hour or \$54,724.80 annually) effective December 25, 2016 in accordance with the current AFSCME working agreement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to advance Police Officer Douglas Holt from Grade 6 (\$24.75 per hour or \$51,509 annually) to Grade 7 (\$26.50 per hour or \$55,115 annually) effective January 4, 2017 in accordance with the current Fraternal Order of Police working agreement. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to appoint Brad Mattill to the full-time position of Road Maintenance Specialist in the Road Department effective January 16, 2017 with compensation set at Pay Grade 1, \$21.46 per hour or \$44,636.80 annually, with a total annual benefit cost of \$17,722. Mr. Mattill will fill a vacancy due to a retirement. Motion was made by Judge Pendery, seconded by Commissioner Lampe. In response to Commissioner Coleman's question, Frank Spataro stated that about 20 applications were received and 3-4 people were interviewed for this position. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of John R. Griswold, OEM Deputy Director-Operations, effective January 13, 2017. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, accept applications and interview to fill an OEM Deputy Director-Operations position. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Ed Richardson, Maintenance Technician in the Facilities and Fleet Maintenance Department effective April 30, 2017. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to reappoint Commissioner Brian Painter to the Ohio-Kentucky-Indiana Regional Council of Governments with Commissioner Charlie Coleman serving as his alternate effective January 1, 2017 through December 31, 2018. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-111-16 was read by title and summary given. R-111-16 reappoints Marie Schenkel, Cynthia Minter and Henry Pogue V to the 911 Service Fee Appeals Board for a one-year term effective November 1, 2016 through October 31, 2017. Motion was made by Judge Pendery, seconded by Commissioner Painter. Commissioner Coleman asked why nobody from the PVA office was on the Board and why there are two Fiscal Court people on the Board. Mr. Elberfeld explained that the PVA makes the first determination about the properties therefore

they do not sit on the board; the PVA is consulted by the Board when they meet. He further stated that the Board does a lot of fact gathering for its determinations and most of it comes from Fiscal Court records. All voted "AYE" and the motion passed.

Matt Elberfeld presented Resolution R-112-16 by title and summary given. R-112-16 authorizes the Judge/Executive to execute a Memorandum of Agreement between Boone, Campbell and Kenton Counties and Thomas More College for the Northern Kentucky Office of Drug Control Policy (NKODCP). Mr. Elberfeld explained that the three Fiscal Courts created the NKODCP in 2015 and the Northern Kentucky Area Development District (NKADD) served as its fiscal agent. The NKADD employed the two people working in the Office, provided their benefits and office expenses using funds contributed by the three Fiscal Courts. Kim Moser was appointed as the director. She will begin her term as a State legislator in January and Kentucky law prohibits legislators from working in another agency that participates in the State pension plan. Thomas More College, a private college, does not participate in the pension system. He stated that the Office funding and location will remain the same, the only change will be the fiscal agent. Commissioner Coleman expressed concerns about the arrangement and asked if it's legal. Steve Franzen stated that he also had some concerns and researched the issue. He could not find any case law; however, this issue has come before the Attorney General's Office who has opined that it is not incompatible or a conflict. Commissioner Coleman stated that he is uncomfortable using tax-payer funds when Ms. Moser will be an employee of Thomas More College. Mr. Franzen stated that use of tax-payer funds is permitted as long as it is for a public purpose. Judge Pendery stated that the conflict of getting two pensions has been addressed. Commissioner Painter stated that since Thomas More College doesn't participate in the State pension plan Ms. Moser will not accrue a second State pension. Commissioner Coleman acknowledged that, but stated that he is still uncomfortable with the arrangement. Judge Pendery made a motion to adopt R-112-16, seconded by Commissioner Lampe. Commissioners Lampe and Painter and Judge Pendery voted "AYE", Commissioner Coleman voted "NAY" and the motion passed.

Commissioner Coleman stated that the Fiscal Court gave full-time employees two extra vacation days. He'd like to have a discussion on what could be done for the County's eight part-time employees. Mr. Elberfeld stated that part-time employees do not get any paid time off. Judge Pendery stated that part-time employees are not entitled to benefits although they are treated the same as other employees for things like the Christmas event held this year. Commissioner Coleman stated that he was called by some part-timers who feel slighted. He asked if there is any support to do something for the part-time employees. Judge Pendery stated that if there is a suggestion he'd listen, but he does not think they should be given days off when they don't normally get vacation days as part of their employment arrangement. Commissioner Painter asked if they get standard holidays off. Mr. Elberfeld responded that they are off on holidays, but do not get paid and do not get paid sick or vacation days. Commissioner Lampe stated that it is a small percentage of the workforce and that it is standard business practice that they are not eligible for benefits; it would not be a good to set a precedent. Commissioner Coleman stated that one employee told him that in the past three years they've received a total raise of 53 cents. He suggested giving part-timers one day off to show the Court's appreciation. Commissioner Lampe stated that he does not feel comfortable discussing individual cases in a public meeting. He doesn't know the individuals and will defer to staff to educate the Fiscal Court about part-time employees. Commissioner Coleman made a motion to give part-time employees one day

vacation time. Judge Pendery stated that the motion died for lack of a second. He stated that if something is suggested that will not upset the employment relationship already established he'd be willing to consider it. Commissioner Painter stated that the Fiscal Court does value its part-time employees and their contributions. He requested that staff look into this.

Commissioner Coleman wished everybody a Merry Christmas.

Commissioner Lampe also wished everybody a Merry Christmas and thanked both full-time and part-time staff for their hard work.

Commissioner Painter also thanked staff and wished everybody a Merry Christmas. He then talked about the Bethlehem Nights event held at A J Jolly Park. Unfortunately, due to the rain, they were not able to have all three nights, but did have over 650 people attend in the one night that they were open. It was a great way to showcase the Park.

Judge Pendery announced that the Kentucky Transportation Cabinet will close the bridge over Twelve Mile Creek near Oneota on Route 8 due to a problem with the superstructure of the bridge effective December 22. It will remain closed until it is fixed – approximately three months. He read the suggested detour for motorists.

Marie Schenkel presented Resolution R-113-16 by title and summary given. R-113-16 declares certain County-owned personal property as surplus and authorizes the Finance Director to sell or otherwise dispose of such property. The property consists of three vehicles and exercise equipment which will be sold on govdeals.com. Commissioner Painter made a motion to adopt R-113-16, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for bids to resurface portions of the following County Roads in Spring 2017: Nine Mile Road, Blossom Lane, Spur Road, California Cross Roads and roads in Parkside Subdivision. The cost to resurface Nine Mile Road will be supplemented by use of flex funds that were allocated earlier in the meeting. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for bids to rebuild Golfview Road (County Road 1231). Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for bids to replace Rifle Range Road Bridge #46. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

Resolution R-109-16 was read by title and summary given. R-109-16 approved the fees for A J Jolly Golf Course for 2017. There is no change in the fees; the only change is to some of the concession items. Commissioner Lampe made a motion to adopt R-109-16, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to approve budget transfers for December 21, 2016. Ms. Schenkel stated that the transfers don't change the overall budget, it only reallocates certain funds. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Ms. Schenkel then requested a motion to approve the claims and supplemental claims as presented for December 21, 2016. County Attorney Steve Franzen stated that he has reviewed the claims and determined that they all appear appropriate. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. Commissioner Coleman asked about a payment to Otte Enterprises in the amount of \$5,175. Mr. Elberfeld explained that it was for an analysis of the storm water area at the parks to determine if the amount of credits from SD1 could be increased for the storm water program. Otte Enterprises is a consulting firm that does watershed analysis and credit design. SD1 provides criteria for credits and the Fiscal Court will apply for them. Staff is in the process of calculating a cost benefit analysis and will have recommendations for the Fiscal Court. The credits will be for A J Jolly, Penderly and Morscher Parks. Ms. Schenkel stated that this assessment was authorized by the Fiscal Court in December 2015. 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 6:43 p.m.

Attachments:

Resolution R-106-16 Release of Memorandum of Understanding
Resolution R-107-16 Amend Senior Center Cleaning Contract
Resolution R-108-16 Authorize Canada Geese Hunting Program
Resolution R-110-16 Submit Recommendations for Use of Flex Funds
Resolution R-111-16 Reappoint 911 Service Fee Appeals Board Members
Resolution R-112-16 Agreement Regarding NKY Office of Drug Control Policy
Resolution R-113-16 Declare Surplus Property and Authorize its Disposal
Resolution R-109-16 Approve Fees for A J Jolly Golf Course for 2017
Budget Transfers December 21, 2016
Claims and Supplemental Claims December 21, 2016

Approved:

STEVE PENDERLY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk