

**CAMPBELL COUNTY FISCAL COURT
MINUTES
March 17, 2004**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, March 17, 2004, at 5:30 p.m. at the Fiscal Court Conference Room, 24 W. 4th Street, Newport, Kentucky.

Preceding the opening of the Fiscal Court meeting, two public hearings were held as follows:

A public hearing was held at 5:00 p.m. to obtain public comments on the issuance of an entertainment permit for Brooker's Pond Creek Haus, located at 184 West Miller Road, Alexandria, Kentucky. In attendance at the hearing were:

Steve Pendery, Campbell County Judge/Executive
Paul Twehues, Assistant County Attorney
David Sandfoss, Campbell County Police Department Chief
Patrolman Marty Hart, Campbell County Police Department
Robert Horine, County Administrator
Melissa Williams, Administration Director
Sandra Mulligan, Fiscal Court Clerk
Elizabeth S. Brooker, Petitioner for Entertainment Permit

Judge Pendery opened the public hearing. Judge Pendery asked if there were any public comments to be heard regarding the issuance of the entertainment permit. Ms. Williams stated that Mr. and Mrs. James Morgan had sent a written objection to the permit being issued, citing a safety issue and a noise issue. Mr. and Mrs. Morgan's residence and property border the establishment and lies directly west of and facing West Miller Road. She presented Mrs. Brooker with a copy of the written objection. Mrs. Brooker stated for the record that she and her husband had been operating Brooker's Pond Creek Haus for the past 10 months and had not been contacted by any of the neighbors regarding the noise nor had complaints been made to the police citing a noise problem. She also stated that after the completion of a contract with a band for an appearance in April, they will no longer be having bands perform after that time. Chief David Sandfoss noted that the County Police did not realize that new owners had taken over the establishment and in the 10 months since the Brookers have been there, have had no complaints of noise or otherwise. He stated that there had only been a few calls relating to public order problems throughout the years that the establishment had been in existence. Assistant County Attorney Paul Twehues stated that the County Attorney had conducted an investigation and stated there was no justification for denying the permit. He stated that he had read through the report and the establishment has had a pretty clean record. He noted that the police record shows two burglaries, one fight between patrons and one for a subject passed out at the bar during the period of time Mr. and Mrs. Brooker have owned the establishment. Mrs. Brooker stated that she and her husband take every precaution to keep the establishment and its patrons safe. If she feels someone has had too much to drink, she makes sure they have a ride home, even if she has to take them home herself. If someone has fallen asleep, she makes them wake up. Patrolman Marty Hart, who conducted the investigation, stated that there had been other police calls made to the establishment, but they had occurred prior to Mr. and Mrs. Brooker's occupancy. Mr. Twehues reminded Mrs. Brooker that if fights at the establishment began to be a problem, she and Mr. Brooker would be held responsible. Ms. Williams noted that she had checked with the License Department and Planning & Zoning Department to determine that everything was in

order for the establishment with those two offices. Mr. Twehues and Chief Sandfoss stated they had no objections to the issuance of the permit. There being no additional comments or objections from the public, Judge Pendery advised Mrs. Brooker that an entertainment permit would be issued to her and her husband, and closed the public hearing.

A public hearing was held at 5:15 p.m. to obtain public comments on the Annual Agency Plan for the Campbell County Department of Housing. In attendance at the hearing were:

Steve Pendery, Campbell County Judge/Executive
Darlena Brown, Housing Director
Paul Twehues, Assistant County Attorney
Robert Horine, County Administrator
Jim Seibert, Fiscal Affairs Director
Melissa Williams, Administration Director
Sandra Mulligan, Fiscal Court Clerk

Ms. Brown opened the public hearing and stated that the Annual Agency Plan had been available for public comment for the past 45 days as required by HUD law. She noted that the only change to the Plan from last year is a change in the waiting list for elderly and disabled persons. She asked if anyone wished to comment. Ms. Williams stated the Plan looked wonderful. There being no additional comments or objections from the public, Ms. Brown stated the Plan would be presented to the Fiscal Court at that evening's meeting for approval. Ms. Brown closed the public hearing.

In attendance at the Fiscal Court meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
WILLIAM VERST
KENNETH RECHTIN

Robert Horine	County Administrator
Paul Twehues	Assistant County Attorney
Chief David Sandfoss	Campbell County Police Department
Greg Buckler	Campbell County Jailer
James Seibert	Fiscal Affairs Director
Peter Klear	Planning & Zoning Director
Darlena Brown	Housing Director
Melissa Williams	Director of Administration
Sandra Mulligan	Fiscal Court Clerk

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 3, 2004. It was moved by Commissioner Otto and seconded by Commissioner Rehtin that the minutes of March 3, 2004 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 that there were no items of Old Business to be presented at this meeting.

Judge Pendery next requested items of New Business be brought before the Court. Ms. Williams advised that the first order of New Business was a motion to proclaim April 2, 2004 as Arbor Day in Campbell County. The proclamation was requested by Matt Haywood, Forest Ranger Technician with the Kentucky Division of Forestry. There being no further discussion, Commissioner Otto made a motion and Commissioner Verst seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented for first reading Ordinance O-06-04, which she read by title and provided a summary. She explained that this Ordinance regulates parking on Mallard Drive, between KY 915 and Labrador Lane, during the hours of 7:00 a.m. and 3:00 p.m., at the request and petition of residents on that street. A problem existed due to high school students parking in this area, which prevented residents from having access to parking. Ms. Williams stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Ms. Williams then presented for first reading Ordinance O-07-04, which she read by title and provided a summary. She explained that this Ordinance updates the Official Zoning Map for Unincorporated Campbell County to rezone an approximate 32-acre site from Rural Residential Estate Phased R-RE(P) to Residential One C (R-1C), and a 23-acre site from Rural Residential Estate Phased R-RE(P) to Residential One C (R-1C) at Ponde Creek Crossing. The request for the rezoning of these sites is from Mr. James Berling, and the Planning Commission is recommending approval of the Ordinance. Mr. Klear stated that the Court may be interested in the fact that one of the conditions for approval of this rezoning is that the developer work with the Fiscal Court staff to look at some improvements to Pleasant Ridge Road. There are potential traffic problems near where the High School and Pleasant Ridge Road intersect with each other. While the next phase of Ponde Creek Crossing does not actually touch Pleasant Ridge Road, it will certainly have an impact on that road. Ms. Williams then stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Ms. Williams then presented for first reading Ordinance O-08-04, which she read by title and provided a summary. She explained that this Ordinance amends the text of the Official Zoning Ordinance for Unincorporated Campbell County, Article X (Section 10.1(C)) to add "kennels" as a conditional use in an A-1 Agricultural One zone. The approval of this Ordinance is being recommended by the Planning Commission. Ms. Williams then stated that no action was necessary on the Ordinance at this meeting and that it would be acted upon at the next Fiscal Court meeting on its second reading.

Ms. Williams next presented Resolution R-21-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution disapproves a zone map amendment request from William and Paula Duvall for a 28-acre site on Blangey Road from Residential One-A to Agricultural One. The Planning Commission is recommending the disapproval of this zone change. Mr. Klear explained that the Planning Commission believed that the proposed request was not in conformance with the Comprehensive Plan, which is why the Commission recommended disapproval. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-21-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-20-04, 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 contract with Brandstetter-Carroll, Inc. to provide architectural design services for a restricted custody facility for the Campbell County Detention Center. There being no further discussion, Commissioner Otto made a motion and Commissioner Verst seconded, to approve Resolution R-20-04. Judge Pendery, Commissioner Otto and Commissioner Verst voted "AYE"; Commissioner Rehtin voted "NAY," and the motion passed by majority vote.

Ms. Williams then presented Resolution R-22-04, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution adopts the 2004 Agency Plans for the Campbell County Department of Housing. She noted that prior to the Fiscal Court meeting, a public hearing was conducted by Darlena Brown, Director of Housing, and asked Ms. Brown to report on the hearing. Ms. Brown stated that the hearing was conducted with no public comments being received on the Agency Plans. There being no further discussion, Judge Pendery made a motion and Commissioner Verst seconded, to approve Resolution R-22-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-23-04, 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 contract with Venture One Construction, Inc. for the construction of an addition to the Campbell County Senior Center, contingent upon the release of funds by the Kentucky Department for Local Government. Judge Pendery asked if the release of the funds had been cleared. Mr. Horine advised that notice of the release of funds had been received on March 16, 2004. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-23-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-24-04, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the County to enter into an Agreement with the Northern Kentucky Area Development District to provide planning and administrative services pursuant to and payable from the Community Development Block Grant awarded for construction of an addition to the Campbell County Senior Center. There being no further discussion, Commissioner Verst made a motion and Commissioner Rehtin seconded, to approve Resolution R-24-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to appoint the following to the positions and at the rates listed, effective March 18, 2004 through the 2004 Park Season: Golf Course Maintenance at \$9.15/hr: Charles Rauch, Terry Kennedy, Elden Siemer, Roger Church and Dennis Newberry; Recreation Maintenance at \$9.15/hr: Timothy McNamara, Paul Ballinger, Jim Sammons, Michael Sampson and Charles Miller; Camping/Concession at \$8.81/hr: Sharon Stevens-Hearing, Jim Herald, Tom Spicer, Daniel Lynn and Sarah Van Dulman. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Jeremy Newberry to the position of Patrolman with the Campbell County Police Department, at Grade 9A (Patrol I), with compensation set at \$32,900 annually, effective March 21, 2004. The appointment is under the term of the standard three-year recruit contract agreement. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then requested a motion to approve Family Medical Leave for Linda Eads, Chief Tax Compliance Officer, effective March 23, 2004 through May 7, 2004, with the possibility of early return to work dependent upon recuperation progress. Commissioner Otto asked if the tax office would be well-staffed in Ms. Eads absence and the upcoming maternity leave of Jeanne Block. Mr. Seibert, Fiscal Director, advised that Ms. Eads has an assistant who is well-versed in all the operations of the tax department, and Assistant Fiscal Affairs Director, Richard Lucas, was also well-versed in the operations and could help out if the need arose. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to reappoint Bill Voelker to the Campbell County Police Merit Board for a 4-year term, effective March 27, 2004 through March 26, 2008. There being no further discussion, Judge Pendery made a motion and Commissioner Verst seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Judge Pendery next requested reports from Staff. Mr. Horine, County Administrator, stated that he had nothing further to report.

Judge Pendery then requested a report from the County Attorney's office. Assistant County Attorney Paul Twehues advised he had nothing further to report at this meeting.

Judge Pendery next requested reports from the Commissioners. Commissioner Otto and Commissioner Verst advised they had nothing further to report at this meeting. Commissioner Rehtin advised that he had read in the newspaper recently that the City of Wilder was purchasing tax implementation software and asked if that city was in the group for tax collection. Ms. Williams stated that Terry Vance of the City of Wilder is aware of the group but that the City most likely would not be joining the group prior to the purchase of the software.

Judge Pendery then announced that the Police Academy will begin on April 6, 2004 and anyone interested in attending the classes can contact the Campbell County Police Department. He reminded everyone that the Campbell County Clean-Up is March 26, 27 and 28, 2004. He then advised that the Campbell County Fiscal Court, in conjunction with North Key, Inc. and

Campbell County Schools, have put together two series of classes relating to drug and alcohol use by children. "Parents Who Care" is a 5-week session for parents and their children, ages 6-12. This class exposes parents to the risks their children face on a daily basis and develops better communication between parents and their children. This class will start on Wednesday, April 7, 2004. The second class, "Prime for Parents" is for parents only. It is a 3-week session on Tuesdays starting on April 6, 2004, and these sessions will be geared for the parents of teenagers and will focus on information to help parents prevent and combat drug abuse within the family. Both sessions will be held at the Highland Heights Civic Center from 6:30 p.m. to 8:30 p.m.. These classes were developed out of the Congressional Earmark received by the Fiscal Court, thanks to Senator Mitch McConnell. Judge Pendery asked if this information would be distributed to Campbell County citizens. Ms. Williams advised that the Campbell County Schools sent out a newsletter to all households in the County that contained the information on the classes. There have also been a number of press releases, in hopes of reaching out to the community who may have an interest in attending the classes.

Judge Pendery next asked for a report from the Fiscal Director. Mr. Seibert stated that there would be no budget transfers requested at this meeting, as originally scheduled on the Agenda.

Mr. Seibert then requested approval of the Claims being presented at this meeting. Assistant County Attorney Twehues reported that he and County Attorney Verst had reviewed the claims and that they appeared to be appropriate. There being no further discussion, Commissioner Otto made a motion that the claims be approved and paid. Commissioner Verst seconded the motion. All voted "AYE" and the motion passed unanimously.

There being no further business to come before the meeting, it was moved by Commissioner Verst, seconded by Commissioner Otto, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 5:50 p.m.

Attachments:

Proclamation:	Proclaims April 2, 2004 as Arbor Day in Campbell County
Ordinance O-06-04:	Regulation of Parking on Mallard Drive
Ordinance O-07-04:	Update of Official Zoning Map to Rezone 32-Acre Site – Pond Creek, LLC/James Berling
Ordinance O-08-04:	Amendment of Official Zoning Ordinance to add "Kennels" as Conditional Use in A-1 Zone
Resolution R-20-04:	Contract for Architectural Design Services for Restricted Custody Facility
Resolution R-21-04:	Disapproval of Zone Map Amendment for 28-Acre Site on Blangey Road – William and Paula Duvall
Resolution R-22-04:	Adoption of 2004 Housing Department Agency Plans
Resolution R-23-04:	Contract for Construction of Addition to the Campbell County Senior Center
Resolution R-24-04:	Agreement for Planning and Administrative Services for Construction of Addition to Senior Center

Claims: March 17, 2004
 March 17, 2004 (Supplemental Claim)
 March 17, 2004 (Home Emergency Grant)

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Sandra L. Mulligan
Fiscal Court Clerk