

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

November 3, 2004

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, November 3, 2004, at 7:00 p.m. at the Campbell County Courthouse, 8352 East Main Street, Alexandria, Kentucky.

Judge Pendery called the meeting to order at 7:00 p.m. A moment of silence was called for by Judge Pendery, followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE
STEVE PENDERY

COUNTY COMMISSIONERS:
DAVID OTTO
KENNETH RECHTIN

Commissioner Verst was absent.

Justin Verst	County Attorney
Robert Horine	County Administrator
Jim Seibert	Fiscal Affairs Director
Keith Hill	Interim Chief, Campbell County Police Department
Peter Klear	Planning & Zoning Director
Ken Knipper	Director, Office of Emergency Management
Melissa Williams	Administration Director
Sandra Mulligan	Fiscal Court Clerk

Judge Pendery presented the minutes from the Fiscal Court meeting of October 20, 2004. It was moved by Commissioner Otto and seconded by Commissioner Rechtin that the minutes of October 20, 2004 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery then asked if there were any citizens or public officials present who wished to address the Court. There were none.

Judge Pendery next welcomed members of Michele Day's Journalism Class at NKU. The class members were present to complete an assignment to report on issued acted on at this meeting.

Judge Pendery then requested approval of a motion to appoint Lt. Col. Keith Hill to the position of Police Chief of the Campbell County Police Department, said appointment to be effective November 4, 2004, with compensation set at Grade 17F (\$63,461 annually). There being no

further discussion, Judge Pendery made a motion and Commissioner Otto seconded, to approve the motion. All voted “AYE” and the motion passed unanimously.

Commissioner Otto stated that he was fortunate to sit in on interviews with the final three candidates, and all three were outstanding candidates. He stated that Lt. Col. Hill performed very well in the interview and he is looking forward to giving him the opportunity to take on this position. Judge Pendery then stated that the search for a new Chief is a long and involved process, yet it is reflective of the importance that the Department has in the community. The process needs to develop as much talent for the Fiscal Court to look at for a position that is important. Having come to the end of that process and made its determination, even though it was a person on the inside who has elevated to the position of Chief, the process has validated in a way that no other process could. The fact is that Lt. Col. Hill is truly worthy of the Court’s confidence and the position that he now holds.

Judge Pendery then issued the Oath of Office to Lt. Col. Keith Hill and congratulated him on his promotion to Chief of the Campbell County Police Department. Chief Hill thanked Judge Pendery and the Commissioners for giving him the opportunity to advance to Chief of the Police Department, and thanked the members of the Police Department who were present, noting that he believes because of their performance in the last three months, it helped the Court make the decision on his promotion. He also thanked his parents, his wife Martha, and his daughters, Emily and Ellen for their sacrifices and for standing by him over the years, and thanked the Merit Board for their faith in him to take on this new duty. He stated that the Court has made his childhood dreams and goals come true by appointing him Police Chief. He looks forward to working with the Fiscal Court, not only to improve the Police Department, but also to improve the community that the Department serves. Judge Pendery then requested Mrs. Hill to pin the Police Chief’s badge on her husband.

Judge Pendery then thanked Alex Futscher and Bill Hofstetter of the Police Force Merit Board for their help in the process of selecting a new Police Chief. He stated that they toiled long hours and deserve credit for the process and the result. Commissioner Otto asked Mr. Futscher and Mr. Hofstetter to explain the process of the testing for a new Police Chief. Mr. Hofstetter stated that the Merit Board worked very closely with Robert Horine, and the Judge/Executive had to make a decision of what type of testing to do, and they met with Dr. Daum with the testing agency. Dr. Daum customized a test consisting of five questions that were multi-phased. Initially, there were many resumes sent in, but some never returned their applications. There were 17 applicants tested, and only 1 failed the test. Mr. Futscher stated that there were many applicants who tested very well, and the interviewers were police chiefs from small departments to very large departments. He congratulated Chief Hill, noting that he had some tough competition.

Judge Pendery then requested items of Old Business be brought before the Court. Ms. Williams stated there was no 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 request for a motion to acknowledge a Proclamation presented to Rep. Jim Callahan on Friday, October 29, 2004 honoring him on his retirement after serving an 18-year span in the Kentucky General Assembly. The Proclamation

proclaims the month of November, 2004 as James P. Callahan Month in Campbell County. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to proclaim November 8, 2004 as Community and Regional Planning Day in Campbell County and urge citizens to thank members of planning commissions, citizen planners, and the planning profession for their part in improving the quality of life in Campbell County. This Proclamation was requested by Peter Klear, Planning & Zoning Director. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-118-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution indicates Campbell County's intent to continue its participation in the National Flood Insurance Program. She noted that Peter Klear, Planning & Zoning Director, was present to answer any questions. There being no further discussion, Commissioner Otto made a motion and Judge Penderly seconded, to approve Resolution R-118-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented a first reading of Ordinance O-23-04. She explained that this Ordinance adopts a revised flood damage prevention ordinance, and repeals Ordinance O-16-93 and related ordinances that are in conflict. The Kentucky EPA Cabinet advised the County that its existing ordinance needed to be updated to reflect the new Flood Insurance Rate Maps of FEMA. She noted that Peter Klear, Planning & Zoning Director, was present to answer any questions. Ms. Williams advised that no action was necessary on the Ordinance at this meeting, and action would be taken on second reading at the next Fiscal Court meeting.

Ms. Williams then presented Resolution R-119-04, which she read by title and provided a summary to the Court for its consideration. She stated that this Resolution adds "Koerner Lane," a private drive, to the Uniform Addressing System for Unincorporated Campbell County. Residents on this street have petitioned the Court to add this street. Peter Klear, Planning & Zoning Director, is recommending approval of this Resolution and was present to answer any questions. There being no further discussion, Judge Penderly made a motion and Commissioner Rehtin seconded, to approve Resolution R-119-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-120-04, 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 an amended agreement with the Women's Crisis Center regarding the placement of pets with the Campbell County Animal Shelter. This Agreement has been in effect for approximately twelve years and allows women who may be housed at the Crisis Center to place their pet with the Animal Shelter. The Animal Shelter will keep the pets for ten days at no cost. The Agreement was last revised in 2000 and, due to changes that have occurred in policies at the Animal Shelter, needed to be updated. Lisa Bowman, Director of the Animal Shelter, is recommending the approval of this Resolution. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-120-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-123-04, 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 the City of Crestview for snow and ice maintenance for 2004-2005, at the rate of \$125 per winter trip. This is an increase of \$25 per trip. The City of Crestview has paid \$100 per trip since 2000. Due to increases in labor costs, fuel, and salt, Ken Schultz, Director of the Road Department, is recommending an increase in the charge. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-123-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented Resolution R-124-04, 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 St. Joseph Church, Camp Springs, Ky. for snow and ice maintenance at the rate of \$50 per winter trip. This is an increase of \$20 per trip to cover expenses related to labor, fuel and salt. St. Joseph has paid \$30 per trip since 1999. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-124-04. All voted "AYE" and the motion passed unanimously.

Ms. Williams next requested a motion to appoint Philip Scales, Sr. to the position of Road Maintenance Specialist, Level 1, with compensation set at \$15.56 per hour (Grade 10), effective November 4, 2004. 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.

Judge Pendery next requested reports from Staff. County Administrator, Robert Horine, presented Resolution R-121-04, which he read by title and provided a summary to the Court for its consideration. Mr. Horine stated that this Resolution authorizes the Judge/Executive to negotiate a contract with Codell Construction Company for the purpose of providing Construction Management Services to the Campbell County Fiscal Court for the new Administration Building and Jail Expansion projects, with a fee not to exceed \$854,000. The County advertised for proposals for construction management services for these two projects, and four proposals were received. The proposal of Codell Construction Company was the lowest and best proposal. Negotiations were held with Codell Construction Company to address concerns and interests of the County in regards to the projects, and they agreed to the modifications requested. The fees for this contract will be somewhat offset by savings that result from using construction management as opposed to using a general contractor for the projects. One of the savings will be that all of the building materials will be purchased in the County's name, and thus the County will not have to pay sales tax on the materials, which will roughly be around 40% of the total cost. The project will be broken down into 15 to 20 bid packages and specific elements of the project will be put out for competition, which will result in the most cost-effective proposals. The Construction Manager has a set fee so there will not be any markups of the contractor bids. The construction management proposal has been written in such a way that prior to going out for bids, the County, the Construction Manager and the Architect will agree upon a guaranteed maximum price for the project, so that the County will be protected against any overruns of the guaranteed maximum price that is established before construction begins. Commissioner Otto asked if there would be a superintendent on site at all times. Mr.

Horine stated there would be a superintendent on site five days per week, the entire time the project is under construction. Commissioner Rehtin asked if Codell Construction Company performed construction services themselves. Mr. Horine stated that they do, but they will not be performing any construction work as part of this project. They will act strictly as a construction manager. Commissioner Rehtin then asked if the contracts rates would change if there were change orders requested. Mr. Horine stated that he expected there would not be rate changes, noting that Codell factored those elements into what they expect on any job of this size. The fees are based fees for construction management services regardless of what the project actually turns out to cost. Commissioner Rehtin inquired as to whether the contract price with Codell would change if the County decided that a parking garage would be more beneficial than service parking. Judge Pendery stated that may be beyond the scope of what the County intends to the point where that may be considered additional. Commissioner Rehtin then asked if the scope of the fees would change if additional buildings were needed to be torn down to enhance the streetscape. Mr. Horine stated that there may be points at which that scenario could occur, but that a large part of Codell's cost is estimated on the time frame of having people on site to manage the project. If the case were that the project was extended in time, he believes Codell could change its fees and modify the contract. Commissioner Rehtin then inquired as to who would be reviewing the Codell contracts and document they provide. Mr. Horine stated that the standard American Institute of Architects contract will be used for construction management purposes, but prior to signing that contract, County Attorney Justin Verst would review and approve the contract. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-121-04. All voted "AYE" and the motion passed unanimously.

Mr. Horine then presented Resolution R-122-04, which he read by title and provided a summary to the Court for its consideration. He stated that this Resolution authorizes a sixty-day extension of the contract with Dr. Keith Kessler for health care services provided to the Campbell County Detention Center. He noted that the County is waiting for approval of federal authorities to allow Health Pointe Family Care to begin providing physician services to the Detention Center, which is expected soon. The contract extension with Dr. Kessler remains cancelable on 14 days notice. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Resolution R-122-04. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested a report from the County Attorney's office. Mr. Verst advised that he was able to renew a federal grant for the County Attorney's office for the Victims Advocate, which is through the Kentucky Justice Cabinet, in the amount of \$29,406. He also stated that a lawsuit that was recently filed against the County and various members of the Court has been sent to the insurance company and he would be in contact with them to confirm coverage. He also requested that everyone present at the meeting and everyone in the County continue to pray for Commissioner Verst, who is struggling with his health.

Judge Pendery next requested reports from the Commissioners. Commissioners Otto congratulated all of the victors in all of the elections held the previous evening. He stated that he hopes everyone elected, no matter what party, can buckle under to get a budget for the State of Kentucky.

Commissioner Rehtin stated he had nothing further to report at this meeting.

Judge Pendery stated he had nothing further to report at this meeting.

Judge Pendery then asked for a report from the Fiscal Director. Mr. Seibert requested a motion to authorize staff to solicit bids for Respiratory Protection Equipment. This equipment will be paid for with the Homeland Security Grant funds. He noted that Ken Knipper, Director of the Office of Emergency Management, was present to answer any questions. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve the motion. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then presented Resolution R-125-04, 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 execute contracts with Kramer Excavating, Inc. for snow removal for the Fiscal Court Building, the District Court Building, the Detention Center Building, the Senior Center Building, and the Alexandria Courthouse Building. There being no further discussion, Judge Pendery made a motion and Commissioner Rehtin seconded, to approve Resolution R-125-04. All voted "AYE" and the motion passed unanimously.

Mr. Seibert next presented for first reading Ordinance O-24-04. He explained that this Ordinance amends Chapter 110 of the Campbell County Code of Ordinances relating to the payment of Occupational Taxes. This amendment was necessitated by changes in the State statutes relating to those taxes, and the amendment follows a model developed by the Kentucky League of Cities and Kentucky Association of Counties. This will coordinate all of the various counties in the State to get them on the same page as far as the standard language for collection of occupational taxes. Commissioner Rehtin asked Mr. Seibert to address some of the changes, specifically the maximum caps and the impact on revenue this may have. Mr. Seibert stated there would be no immediate impact on revenue, since the caps were structured by a previous ordinance to allow them to adjust each year according to inflation factors. He also noted that there was no real revenue impact expected and, in fact, some companies may have their tax lowered on the occupational taxes. Commissioner Rehtin inquired as to what cities in Campbell County would be modifying their local ordinances to reflect these changes. Mr. Seibert stated that all cities will, if they have not already done so. Commissioner Otto asked if the new Ordinance would be sent out to businesses, if it is approved at its second reading. Mr. Seibert stated that the ordinance would be a part of the standard tax package that gets sent out at the beginning of each year. Mr. Seibert advised that no action was necessary on the Ordinance at this meeting, and action would be taken on second reading at the next Fiscal Court meeting.

Mr. Seibert then requested approval of the Claims being presented at this meeting. Mr. Verst stated that he 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 Rehtin 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 Rehtin, seconded by Commissioner Otto, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 7:38 p.m.

Attachments:

Proclamation: Proclaims November, 2004 as James P. Callahan Month
Proclamation: Proclaims November 8, 2004 as Community and Regional Planning Day
Ordinance O-23-04: Flood Damage Prevention
Ordinance O-24-04: Amendment of Chapter 110 to Code of Ordinances Relating to
Occupational Taxes
Resolution R-118-04: Participation in National Flood Insurance Program
Resolution R-119-04: Addition of Street to Uniform Addressing System
Resolution R-120-04: Agreement with Women's Crisis Center
Resolution R-121-04: Contract for Construction Management Services
Resolution R-122-04: Extension of Health Care Services Contract for Campbell County
Detention Center
Resolution R-123-04: Contract with City of Crestview for Snow Removal
Resolution R-124-04: Contract with St. Joseph Church for Snow Removal
Resolution R-125-04: Contracts with Kramer Excavating, Inc. for Snow Removal
Claims: November 3, 2004

Approved:

STEVE PENDERY
Campbell County Judge/Executive

Attest:

Sandra L. Mulligan
Fiscal Court Clerk