

## **CAMPBELL COUNTY FISCAL COURT MINUTES**

A special (change of date) meeting of the Campbell County Fiscal Court was held on Wednesday, August 13, 2003, at 7:00 p.m. at the Alexandria Courthouse, Main Street, Alexandria, Kentucky.

Preceding the opening of the Fiscal Court meeting, a public hearing was held to obtain comments from the general public regarding the proposed tax rates for 2003. Jim Seibert, Fiscal Director, opened the public hearing and advised that the hearing was open to comments from the public on 2003 tax rates. He explained that the tax rate would be adjusted slightly. The property tax rate will increase from \$10.40 to \$10.50 per \$100 of assessed value, the personal property tax rate will increase from \$11.84 to \$12.66 per \$100 of assessed value, and the motor vehicle and watercraft tax rate will remain the same at \$13.10 per \$100 of assessed value. There being no comments from the public, Mr. Seibert closed the hearing.

In attendance at the Fiscal Court meeting were:

**COUNTY JUDGE/EXECUTIVE  
STEVE PENDERY**

**COUNTY COMMISSIONERS:  
DAVID OTTO  
KENNETH RECHTIN  
WILLIAM VERST**

Robert Horine	County Administrator
Jim Seibert	Fiscal Director
Laurie Dowell	Assistant County Attorney
Chief David Sandfoss	Chief, Campbell County Police Department
Peter Klear	Director, Planning & Zoning
Ken Knipper	Director, Office of Emergency Management
Greg Buckler	Campbell County Jailer
Melissa Williams	Director of Administration
Sandra Mulligan	Fiscal Court Clerk

The meeting was called to order at 7:00 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 special Fiscal Court meeting of July 23, 2003. It was moved by Commissioner Otto and seconded by Commissioner Rechtin that the minutes of the Fiscal Court meeting of July 23, 2003 be approved. All voted "AYE" and the motion passed unanimously.

Judge Pendery then asked if there were any public officials or citizens in attendance at the meeting who desired to address the Court. Judge Pendery stated that he believed there were a number of citizens present in connection with a Planning & Zoning issue, and advised that a first

reading of a Planning & Zoning Ordinance would take place and that no action would be taken at this meeting on that Ordinance. He also advised that the first reading of an Ordinance puts the issue before the Court, which must then be advertised prior to a second reading. The second reading of the Ordinance would take place at the Fiscal Court's August 27, 2003 meeting, at which time action on the Ordinance would be taken. He advised the public that the Fiscal Court is required to make its decision on the approval or disapproval of this Ordinance based on public record that was developed in a Planning & Zoning meeting, noting that it would be inappropriate for the Court to hear any further testimony. He noted that the public's presence at this meeting makes the impression that they care about the issue and thanked them for their concern. Judge Pendery then noted that the Court's August 27 meeting, scheduled for 7:00 p.m., would conflict with the Alexandria Fair Parade, which is scheduled to take place at 6:45 p.m. After a brief discussion, a motion was made by Commissioner Rechlin, seconded by Judge Pendery, to change the time of the August 27 Fiscal Court meeting to 8:00 p.m. All voted "AYE" and the motion passed unanimously.

Judge Pendery then asked if there was anyone else who would like to address the Court. Mr. Paul Carroll, 119 Rosemont, Ft. Thomas, Kentucky, came forward to address the Court. Mr. Carroll stated that he had attended several Planning & Zoning meetings in an attempt to get an auto sales license for his business. He attended the Planning & Zoning meeting on August 12, at which time a text amendment was supposed to be scheduled for him, but he believes that due to the incompetence of the Planning & Zoning department, the amendment was not on the docket, nor had it been published in the newspaper. He noted that another person was also not in the newspaper for his zone change. He stated that Mr. Ken Chalk was given a license in 2003 in an I-2 zone, which is what he has, and he doesn't understand why he cannot have a license. He said he has many documents that state that auto repair and auto sales for the facility warrants a license, but that the Planning & Zoning Department would not sign for the auto sales because Northern Kentucky Planning imposed a statement that he cannot have a display area or an indoor showroom, but that he could sell cars. He said he did not argue with that because he was told he has to screen to the nearest district boundary in the I-2 zone, and that the nearest district boundary is behind Reis Concrete across the road, and he does not need to screen. He noted that Planning & Zoning has signed for him to have a junkyard on the facility, but if he cannot cut the business into a light salvage and auto sales/auto repair business, he believes it will all have to be a junkyard, although he does not believe this is in the best interest of the County. He noted that he had copies of all of the licenses for every salvage yard in Campbell County that had dual licensing in their facilities, all being Industrial-2 zones and all having auto sales licenses and salvage licenses. Judge Pendery advised Mr. Carroll that he would sign the papers when the Planning & Zoning staff and the County Attorney tells him that it is proper to sign. He reminded Mr. Carroll that there is an accommodation that had been reached in this matter that requires a text amendment. Judge Pendery apologized for Mr. Carroll's hearing being delayed by 30 days because the notice for said hearing was sent to the wrong office of the newspaper. Mr. Carroll stated that Planning & Zoning had stopped him from clearing the land when he initially bought the property. He stated that he went to the Planning & Zoning office and asked what he needed to do to clear the land and if he needed a grading permit to clear cedar trees off of the land. He was told that he did not need a permit to clear cedar trees. He brought in some heavy equipment and had worked on the clearing for 2 to 3 days, and a stop work order was issued. He then went to the Planning & Zoning office and asked why the stop work order was issued, and was told that they thought he was grading, so the stop work order was put into place. He told Planning & Zoning that he was just clearing trees, and was then told by Bonnie Geisler that that was okay,

but that she wanted to call Northern Kentucky Planning to ask them. He stated that Ms. Geisler then told him that he was not permitted to clear trees without a grade permit, which then cost him another 30 days or more to get an engineer drawing for a grade permit. Mr. Carroll then asked if Mr. Klear would review a document and explain why he would sign the document for Wagner Road in California for Ken Chalk, but he would not sign the same document for him. Mr. Klear requested to view the document and, after review, advised Mr. Carroll that there was nothing in the document that mentions sales and that this particular case was a pre-existing use. He also noted that the document Mr. Carroll gave him to review predated the zoning, and that Mr. Carroll was asking for something that would allow him to sell by retail on his I-2 site. Retail sales are not permitted in an I-2 zone, and advised Mr. Carroll that he had never brought a document like the one he was reviewing to him for signature. He reminded Mr. Carroll that he brought a document to him to sign that stated that Mr. Carroll was in conformance with the Zoning Code and he could do sales. Mr. Klear read the document aloud that he was given to review by Mr. Carroll, and stated that sales was not listed in the document whatsoever. Judge Pendery suggested to Mr. Carroll that, although he had met with him several times on this issue, he would be happy to meet with him again. Mr. Carroll stated that it was a standard practice in the auto salvage business to have auto sales. Judge Pendery reminded Mr. Carroll that it was not a standard practice in the Campbell County I-2 zone for those businesses to be there. Mr. Klear advised that a text amendment had been proposed to the I-2 zone, which would allow sales to occur. A public hearing will take place on the amendment in September. Mr. Klear also advised the Court that Mr. Carroll had been called in advance regarding this hearing because of his interest in the matter, and was informed that an error had occurred and the issue would not be able to be heard at the meeting. Mr. Klear explained that his department was working on a solution that would allow Mr. Carroll not only to do salvage, but will also allow him to do sales from his business. Mr. Klear advised that Planning & Zoning would sign off on the document, assuming the Planning Commission and Fiscal Court approves said signing. Mr. Carroll stated that was all he had to bring before the Court.

Judge Pendery then asked if there was anyone else present who would like to address the Court. Mr. Don Wiedeman, Four-Twelve Mile Road, Camp Springs, Kentucky, came forward to address the Court. Mr. Wiedeman stated he had lived in Camp Springs for 44 years, and over the years his friends and family frequently got lost trying to find his residence. He stated that with the new street names, it would make it easier for his friends and family to get to his home. He asked what plans were in place to put street signs on the roads near his home that would help direct people to his home. Mr. Klear advised Mr. Wiedeman that the Road Department is creating a series of new street signs that will be erected on all County roads as part of the readdressing process. He also explained that the new signs most likely will go up as the letters to residents go out in the mail, and that the letters are being sent out weekly by zip code. Commissioner Otto, in conjunction with Mr. Wiedeman's request, asked Mr. Klear to explain the process for the public's knowledge, of how the new street names will get to venues such as map and driving direction websites. Mr. Klear explained that, as part of the process, several key agencies are involved, including the Property Valuation Administrator's office, the County Clerk's office and the utility companies. As an updated database is created, those core agencies are given the information electronically. Agencies that produce maps will then buy the information in order to be able to update their maps for public use. Judge Pendery stated that the readdressing process has been a time-consuming project that will be very valuable for emergency services for years to come, and thanked Mr. Wiedeman for his input.

There being no other citizens who wished to address the Court, Judge Pendery then requested Chuck Peters to come forward. Judge Pendery presented Mr. Peters with a plaque and thanked him for his years of service as a Board member on the Transit Authority of Northern Kentucky from 1987 through 2003, noting that Mr. Peters had been an outstanding representative for the County on the Board. Mr. Peters thanked the Fiscal Court, past and present, for the opportunity to serve on the TANK Board, and stated that if he could serve the community of Campbell County in any other way, he stands willing to serve.

Judge Pendery next requested items of Old Business be brought before the Court. Ms. Williams presented for second reading and passage consideration Ordinance O-10-03. She explained that this ordinance adopts the most recent version of the International Maintenance Code Book to serve as the basis for property maintenance standards in the County. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Verst seconded, to approve Ordinance O-10-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams then presented for second reading and passage consideration Ordinance O-11-03. She explained that this ordinance rezones approximately nine acres from Residential Rural Estate (R-RE) to Professional Office (PO) at the request of Mr. Ted Richardson of Windsor Development. She noted that the property being rezoned is located at the intersection of U.S. 27 and Ripple Creek Road. There being no further discussion, Commissioner Verst made a motion and Commissioner Rehtin seconded, to approve Ordinance O-11-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented for second reading and passage consideration Ordinance O-12-03. She explained that this ordinance amends Article XIX, Schedule of Fees, for the Campbell County Zoning Ordinance, noting that fees were last increased in 1999. There being no further discussion, Commissioner Rehtin made a motion and Commissioner Otto seconded, to approve Ordinance O-12-03. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested items of New Business be brought before the Court. Ms. Williams presented Ordinance O-13-03 for first reading. She explained that this Ordinance rezones an approximate five-acre site from Agricultural One (A-1) to Rural Commercial (RC) at the request of Brinkman Oil, Mr. Richard Brinkman and noted that the Campbell County & Municipal Planning & Zoning Commission voted in favor of the requested zone change. 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 next presented Ordinance O-15-03 for first reading. She explained that this Ordinance rezones an approximate one-acre site from Agricultural One (A-1) to Residential One C (R-1C) at the request of Sun Valley Real Estate, Mr. Dennis MacDonald, noting that the site is part of the Parkside Subdivision Development. She advised that the Campbell County & Municipal Planning & Zoning Commission voted in favor of the requested zone change. 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 presented Ordinance O-17-03 for first reading. She explained that this Ordinance provides for the assessment of additional fees and costs in Circuit and District Courts in Campbell County, Kentucky. 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 Resolution R-97-03, which she read by title and provided a summary to the Court for its consideration. She stated that this resolution authorizes the approval of the Section 8 Management Assessment program (SEMAP) Certification and the submission of said form to HUD. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-97-03. All voted "AYE" and the motion passed unanimously.

Ms. Williams next presented Resolution R-98-03, 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 Alexandria Fair Board to provide labor and equipment to bushhog the fair grounds prior to the event, and allows the purchase of fair booths to showcase County entities. There being no further discussion, Commissioner Verst made a motion and Commissioner Rehtin seconded, to approve Resolution R-98-03. 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 Kennel Technician at the Animal Shelter, due to the resignation of Kristine Kart. 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 promote Rick Purcell from Road Specialist II to Road Specialist III, with compensation adjusted from \$34,058 annually (Grade 11) to \$37,594 annually (Grade 11). Said promotion is to be effective August 14, 2003. 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.

Ms. Williams then requested a motion to promote Gerald Allender from Road Specialist I to Road Specialist II, with compensation adjusted from \$30,652 annually (Grade 10) to \$34,058 (Grade 11). Said promotion is to be effective August 14, 2003. 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 Charles Pettit to the Central Campbell Fire District Board to fill the unexpired term of Don Baker, who resigned. Mr. Pettit is a citizen of Highland Heights and employed by Northern Kentucky University. 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. Mr. Horine, County Administrator, presented Resolution R-100-03, which he read by title and provided a summary. He explained that this resolution authorizes the Judge/Executive to execute an agreement with Powell Consulting, LLC for a Needs Assessment and Feasibility Study for the Campbell County Detention Center, at a cost of \$3,500. He stated that the Detention Center was presently operating at capacity, and staff feels it is appropriate to look to the future of what the needs of the County might be in order to best meet the population needs of the Center. He advised that Mr. Robert Powell, principal of

Powell Consulting, LLC, was an employee of the Kentucky Department of Corrections for a number of years, at which time he oversaw the construction of new County jail facilities. He noted that Greg Buckler, Campbell County Jailer, was present to answer any questions. Commissioner Verst expressed that he was not concerned about the amount of the expenditure for this study, but rather was concerned about the County acknowledging that the issue is solely the County's to deal with. He stated that Campbell County is not the only County that has problems with overcrowding in their jail. His main concern is that the County may be forced into a situation to deal with an issue that is more the State's responsibility than the individual County's responsibility. He believes that the State more adequately has the resources to do these studies, and if Campbell County conducts this study, someone from the State level may likely come back on the County to act on the study. He feels that the State has not held up to its implied commitment to the counties that were encouraged to build the jails. Judge Pendery agreed that the County needed to press the State to pay for its prisoners during the time they are in the jail, because those prisoners are housed in our County jail for long periods of time before their conviction date rolls around. Commissioner Otto stated that he shared the same concerns as Commissioner Verst, but that he feels Campbell County needs to conduct an in-depth study of the jail now in order to get a better insight on all of the problems that exist. He noted that the State has many problems with getting their prisoners out of the County jails, from obtaining results on lab tests to deficits in the budget. He does not feel that the State is going to come through for the County as far as spending money on jails. Commissioner Rechtin expressed that he understood Commissioner Verst's concerns, but that he believes the study is a necessity because the County is wearing out our facility and its staff at a very rapid rate, because of being overcrowded. He stated that, although the State should take responsibility for our detention facility, it is still our responsibility also. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Otto seconded, to approve Resolution R-100-03. All voted "AYE" and the motion passed unanimously.

Judge Pendery then requested a report from the County Attorney. Laurie Dowell, Assistant County Attorney, reported that County Attorney Verst was attending a Prosecutor's Conference and all was going well at the County Attorney's office.

Judge Pendery next requested reports from the Commissioners. Commissioner Verst reminded the public that schools were back in session and asked all citizens to be cautious in school zones, and mindful of school buses and children walking home from school. Commissioners Otto and Rechtin stated that they had nothing more to report at this meeting than what they had already commented on.

Judge Pendery then requested a motion to conduct only one Fiscal Court meeting in September, to be held September 10, 7:00 p.m., Alexandria Courthouse, Alexandria, Kentucky. There being no further discussion, Commissioner Rechtin made a motion and Commissioner Verst seconded, to hold one meeting in the month of September, to be held September 10. All voted "AYE" and the motion passed unanimously.

Mr. Seibert presented Ordinance O-14-03 for first reading. He explained that this Ordinance amends the Fiscal Year 2004 annual budget. He advised that several expenses that were not anticipated in the original budget needed to be added to the 2004 budget. Mr. Seibert 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.

Mr. Seibert next presented Ordinance O-16-03 for first reading. He explained that this Ordinance sets the 2003 tax rates for personal property, motor vehicles and watercraft. He noted that a public hearing on the issue had been held prior to this Fiscal Court meeting at which no comments were made by any citizens. He 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.

Mr. Seibert then presented Resolution R-99-03, which he read by title and provided a summary to the Court for its consideration. He stated that this resolution adopts the 2003 tax rates as approved by the Campbell County Board of Health, and authorizes the rates be properly placed on the tax bills. He advised that the rate is 2.4 cents per \$100 of assessed value for real property, personal property, and motor vehicles. There being no further discussion, Commissioner Otto made a motion and Commissioner Rehtin seconded, to approve Resolution R-99-03. All voted "AYE" and the motion passed unanimously.

Mr. Seibert then requested approval of the Claims being presented at this meeting. Ms. Dowell advised that County Attorney Verst had reviewed the claims and that they appeared to be appropriate. There being no further discussion, Commissioner Rehtin 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 Rehtin, that the meeting be adjourned. All voted "AYE" and the meeting was adjourned at 8:06 p.m.

### **Attachments:**

Ordinance O-10-03: Update of Property Maintenance Code Regulations  
Ordinance O-11-03: Rezoning of 9-Acre Site from RRE to PO (Windsor)  
Ordinance O-12-03: Amendment of Official Zoning Ordinance Schedule of Fees  
Ordinance O-13-03: Rezoning of 5-Acre Site from A-1 to RC (Brinkman)  
Ordinance O-14-03: Amendment of FY 04 Budget  
Ordinance O-15-03: Rezoning of 1-Acre Site from A-1 to R-1C (MacDonald)  
Ordinance O-16-03: Approval of 2003 Tax Rates  
Ordinance O-17-03: Approval of Circuit and District Court Fees and Costs  
Resolution R-97-03: Approval of Section 8 Management Assessment Program Certification  
Resolution R-98-03: Alexandria Fair Board Contract  
Resolution R-99-03: Adoption of 2003 Tax Rates for Campbell County Health Department  
Resolution R-100-03: Agreement for a Needs Assessment and Feasibility Study for Campbell County Detention Center

Claims:                   August 13, 2003  
                              August 13, 2003 (Supplemental)  
                              August 13, 2003 (Supplemental)

Approved:

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STEVE PENDERY  
Campbell County Judge/Executive

Attest:

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Sandra L. Mulligan  
Fiscal Court Clerk