

**CAMPBELL COUNTY FISCAL COURT
MINUTES**

DECEMBER 18, 2019

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, December 18, 2019 at 5:30 p.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
GEOFF BESECKER
TOM LAMPE
BRIAN PAINTER**

County Attorney Steve Franzen,
County Administrator Matt Elberfeld,
Assistant County Administrator Kim Serra,
Fiscal Court Clerk Paula Spicer,
Finance Director/Treasurer Marie Schenkel,
Police Chief Colonel Craig Sorrell,
Human Resources Director Mary Stowers,
Planning and Zoning Director Cindy Minter,
Assistant County Attorney Tom Edge,
Economic Development Manager Will Weber

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

Judge Pendency asked for a moment of silence followed by the Pledge of Allegiance.

Following roll call, a quorum was declared present.

Minutes from the regular Fiscal Court meeting of November 20, 2019 were presented. Commissioner Painter made a motion to approve the minutes, seconded by Commissioner Besecker. All voted "AYE" and the motion passed.

Judge Pendency announced that he would begin calling names of people who had signed in to address the Fiscal Court. He first called on Tom Munninghoff. Mr. Munninghoff, managing member for Sun Valley Real Estate Company, advised that he is withdrawing the Company's application for the requested zoning change. Cindy Minter stated that she has been unable to explain the notification issue expressed by the residents of the Reserves of Parkside. The County is not required by statute to verify that notification was received, however it does seem odd that

residents of multiple streets claimed that the notices were not received. She has now established redundant contacts through the Homeowners' Association (HOA) for future notices. Due to the notification oddities, she requested that the Fiscal Court allow her to waive the submittal fees related to this site if another application is submitted for a zone change for the same area within one year of today. Ms. Minter explained that with the withdrawal of the application this case is closed. However, this does not preclude the applicant from resubmitting another case for the same area to the Planning Commission. She cannot explain the notification error, but there are safeguards in place so that they can give proper notification should there be another application. Judge Pendery thanked Mr. Munninghoff for attending the meeting. He then explained Ms. Minter's request regarding the waiver of fees. Mr. Franzen added that the County realizes that it was not the applicant's fault that notice wasn't received, nor was it the County's fault. Commissioner Besecker made a motion to waive the submittal fees related to this site if another application is submitted for a zone change for the same area within one year of today, seconded by Judge Pendery. All voted "Aye" and the motion passed.

Judge Pendery then allowed those in the audience to speak to the issue. Greg Maggard stated that all of the residents are passionate about this topic and the future of their community. They would like to be involved including meeting with the County before another application goes to the Zoning Commission. The biggest concerns about traffic and safety is the zoning change that happened in May 2019. They are still concerned that there is not a second access to their community. He appreciates everyone's time and attention to this matter.

Don Wells, Sugarmill Drive, stated that he only heard about the pending zone change 10-14 days ago when he received a flyer from another resident. Mr. Franzen explained that the application for a zone change has been withdrawn. It will not be considered tonight or again until an application is resubmitted. Ms. Minter added that she is happy to talk with anybody about this. The plan for the Reserves of Parkside was approved years ago with an adjustment made in May 2019. This action does not remove the development of the previously approved single-family homes from the Reserves of Parkside; it does remove the developer's request for a residential cluster development overlay to allow patio homes in the subdivision. Mr. Wells believes that there are no objections to single family homes, it is the scary 200 units in a small area.

Matt Snowball stated that safety is his biggest concern. The road has been taken away and there is nothing that can be done about it. If single family homes are built there is still no additional entrance. He asked if anything can be done to amend that. Ms. Minter stated that the developer would have to apply to add the road back into the plan which would require a fee paid by the developer. The fee waived by the Fiscal Court is only for a zone change; it does not apply to a design change unless the Fiscal Court chooses to waive it.

James Emerson, 11088 Hayfield, expressed concern about the narrowness of the street and if a firetruck were to respond and hook up at the hydrant by his house everybody would be blocked from entering/exiting the subdivision. A second truck would never be able to respond if needed due to the narrowness of the road. He requested that they consider the safety of the people in the subdivision due to the lack of a second entrance.

Judge Pendery stated that he appreciates everybody who attended the meeting and if there are no other questions he would proceed with the agenda. He stated that when there is an application

under consideration or recommendation from Planning and Zoning there are some strict rules about communication that the Fiscal Court must observe. Mr. Franzen stated that the Fiscal Court has a limited role in zoning change applications. The Planning Commission is where concerns need to be heard and resolved. Once it gets to the Fiscal Court they are limited in what they can consider in either denying or affirming a request. They must be careful about what they say publicly and what people say to them publicly and whether it would expose the Fiscal Court to liability in the event that the applicant or a citizen would claim they were not treated fairly. Judge Pendery stated that if the Fiscal Court does not confine its actions according to the ordinances a developer could go to court and overturn its action. Mr. Franzen stated that the developer could argue that the Fiscal Court had already decided based on something other than what happened at the Planning Commission and on the record in front of the Fiscal Court. The Fiscal Court members must remain objective and base their decision on the record compiled, not on things that happened outside a Fiscal Court or Planning Commission meeting. Judge Pendery stated that the fact that the notices had not been properly delivered weighed heavily on their minds. Mr. Franzen stated that despite the fact that the developer and the Fiscal Court did what they were supposed to do, a lot of people did not receive proper notice. He credited the developer who did not want the process to be tainted for withdrawing the application.

Mr. Emerson asked if there were supposed to be signs posted on the grounds when a change is proposed; he did not see any signs. Ms. Minter stated that she is unable to confirm that the signs were there for the 14 days. She believes that everybody is making the right move by backing up and fixing the process.

George Zunda asked about the notification for the removal of the second entrance to the Reserves of Parkside subdivision. He understands that it has been approved yet nobody had any input in that change. Ms. Minter stated that zone changes or text changes require more direct notification. A revision to a development plan without an associated zone change, requires a notice in the newspaper (the *Campbell County Recorder*); direct notification is not a requirement in that situation. Samantha Reinhart stated that she does not get the *Recorder* and asked what the County is doing to prevent this in the future. It would be good to know what form of communication is used. Ms. Minter stated that generally the notification process for planning and zoning items is established by Kentucky Revised Statutes (KRS). Because she is now aware of them and has had contact with the HOA, she will continue to try to keep communication open through the HOA, as well as the notification requirements of KRS. She appreciates and is grateful when a community steps up to help with the communication process. Ms. Reinhart stated that the HOA is run by the developer which makes it difficult and she believes that is a conflict of interest. Ms. Minter stated that she has been in contact with the resident representative to the HOA. She is open to other suggestions on communications.

Judge Pendery stated that the notice requirements are set by law and he hopes that the system is working. He acknowledged that the notification process could be better. He stated that normally the developer controls an HOA until a development is completed so this is not unusual. Mr. Maggard stated that the developer should no longer have control of the HOA. Terry Jolly stated that they are not fighting the development they are fighting for the development that they bought into – a development for single family homes, dual entrance/exit and a pool and clubhouse and a park for children. Judge Pendery stated that that was very nice synopsis. Mr. Franzen added that some of those issues are legitimate planning and zoning issues that need to be addressed but

some may fall outside that and are issues between homeowners and developers. The roles of the Fiscal Court and Planning Commission are very well defined by the law. He understands their concerns. Safety issues are always something that the Fiscal Court can address.

Judge Pendery stated that the agenda has been rearranged to accommodate the Sheriff and County Clerk. Jim Luersen, County Clerk explained that he is present to ask for approval of his 2020 budget. Other than health insurance costs, he is trying to keep expenses down. He is however, looking at doubling or over-doubling fees for real estate recordings to generate more revenue. This is the first increase in real estate recording fees since 1993. Despite these increases, the fees are still lower than Ohio's. A part of those fees goes toward preserving documents – his office has many historic documents. Marie Schenkel then read R-123-19 which approves the County Clerk's budget as submitted for calendar year 2020. Commissioner Painter made a motion to adopt R-123-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Deputy Ken Fecher, representing Sheriff Mike Jansen requested that the Fiscal Court approve the Campbell County Sheriff's Budget. Ms. Schenkel read R-124-19 which approves the County Sheriff's budget as submitted for calendar year 2020. Commissioner Lampe made a motion to adopt R-124-19, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Steve Franzen stated that the only old business was the zoning map amendment and the application has been withdrawn by the developer. He notified the developer just before the meeting that he would instruct the Fiscal Court to deny the requested zone change based on the fact that it was withdrawn. The Fiscal Court is required to act on the Planning Commission's recommendations within 90 days. He wants it to be clear that that was done. He explained this to Mr. Munninghoff prior to the meeting. Ms. Spicer read O-13-19 by title for a second time. O-13-19 updates the official zoning map for unincorporated Campbell County to include a Residential Cluster Development Overlay Zone (RCD) to be overlaid on the existing Residential-1C (R-1C) Zone for the Parkside III Development in Campbell County, Kentucky. Mr. Franzen requested that a motion be made to deny the requested zone change because the applicant has withdrawn the request and discouraged them from discussing it any further. Commissioner Besecker made a motion, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

New business was presented next beginning with Resolution R-113-19. R-113-19 authorizes the Judge/Executive to execute an Order of Affiliation with the Campbell County LandSAR Team for 2020. Commissioner Painter made a motion to adopt R-113-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Resolution R-114-19 was read by title. R-114-19 authorizes the Judge/Executive to execute an application to the Kentucky Board of Emergency Medical Services for Ambulance Block Grant funds for fiscal year 2020-2021. Commissioner Lampe made a motion to adopt R-114-19, seconded by Judge Pendery. All voted "Aye" and the motion passed.

Resolution R-115-19 was read by title. R-115-19 authorizes the Judge/Executive to execute an agreement with Sanitation District Number One (SD1) for the 50-50 storm water system cost share program for a project at the intersection of Woeste Road and Parkside Drive. Judge

Pendery made a motion to adopt R-115-19, seconded by Commissioner Painter. Mr. Elberfeld explained that SD1 has a program whereby if the County puts in storm water infrastructure, SD1 will reimburse half of the cost and then adopt the system for maintenance. The County has done this several times in the Parkside area. He explained the importance of storm water management. The County may wait to see if the Parkside developer makes another application before beginning this project. He recommends that the County apply and execute an agreement for the program now because there is a limited amount of funding each fiscal year. All voted "Aye" and the motion passed.

Resolution R-116-19 was read by title. R-116-19 authorizes the Judge/Executive to apply for Walmart Local Community Grant Funds from the Walmart location in Alexandria, Kentucky. Commissioner Besecker made a motion to adopt R-116-19, seconded by Judge Pendery. Commissioner Besecker thanked Walmart for being a good community partner by providing this opportunity. All voted "Aye" and the motion passed.

Resolution R-120-19 was read by title. R-120-19 approves FT Thomas CF LLC for participation in the Campbell County Property Assessment and Reassessment Moratorium Program. Judge Pendery made a motion to adopt R-120-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Resolution R-121-19 was read by title. R-121-19 approves Monmouth EFM LLC for participation in the Campbell County Property Assessment and Reassessment Moratorium Program. Commissioner Lampe made a motion to adopt R-121-19, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

Resolution R-122-19 was read by title. R-122-19 approves Rogers Law Office LLC for participation in the Campbell County Property Assessment and Reassessment Moratorium Program. Commissioner Painter made a motion to adopt R-122-19, seconded by Judge Pendery. Commissioner Painter explained how this program is beneficial to both the property owner/investor and the community. All voted "Aye" and the motion passed.

Resolution R-119-19 was read by title. R-119-19 authorizes updates to the Human Resources Manager position description including a revised job title of Human Resources Specialist II and authorizes corresponding amendments to the Administrative Code. Judge Pendery made a motion to adopt R-119-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

A motion was requested to reappoint Roger Peterman to the Northern Kentucky Port Authority Board of Directors for a four-year term effective March 1, 2019 through February 28, 2023. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to accept the resignation of Bob Cooper from the Northern Kentucky Port Authority Board of Directors. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Judge Pendery then made a motion to appoint Larisa K. Sims to the Northern Kentucky Port Authority Board of Directors to fill the vacancy created by Mr. Cooper's resignation. Ms. Sims term is for four years effective December 19, 2019 through December 18, 2023. Commissioner Lampe seconded the motion. All voted "Aye" and the motion passed.

Matt Elberfeld read Resolution R-117-19 by title. R-117-19 authorizes the Judge/Executive to execute an agreement with the Campbell County School District for the positions of School Resource Officer (SRO). Mr. Elberfeld explained that this is an update to the existing SRO Agreement. The Fiscal Court has supplied one SRO at the High School for some time and has recently added a second. This agreement does not add any SRO's but outlines the terms and conditions and responsibilities of the Fiscal Court. Commissioner Besecker made a motion to adopt R-117-19, seconded by Judge Pendery. All voted "Aye" and the motion passed.

Resolution R-118-19 was read by title. R-118-19 authorizes the Judge/Executive to execute an agreement with Computer Information System, Inc. (CIS) for police mobile computer system and automatic vehicle location system software licenses, installation and configuration. Mr. Elberfeld stated that this project has been ongoing between the Police Department and the Dispatch center regarding the MDTs in police cruisers. This agreement will switch service from the current provider Mobile Cop to Computer Information Systems. Among the benefits of the change is that the Dispatch Center uses the CIS software and will provide more specific information to the officers. The implementation costs of about \$18,000 will be paid from asset forfeiture funds, and the ongoing costs are about \$3 per officer per year thanks to the Dispatch Center license agreement covering update costs. The ultimate goal is to have all police agencies in the County to get on this system. Commissioner Besecker made a motion to adopt R-118-19, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Commissioner Besecker thanked the parties involved for working on the Parkside zone change with Mr. Munninghoff and the residents, particularly Steve Franzen and Cindy Minter and her team.

Commissioner Besecker stated that Lee's Road is finally open. He talked to the State Highway Department about lights out on US27 at some intersections. They are working to fix them. The reflectors on US 27 south of Rt 10 were supposed to be replaced but it has not been done yet and he is not aware of any timetable for this. A left turn light was installed at Rt 536 and US 27 to allow southbound traffic to yield to northbound lanes.

Commissioner Besecker thanked Steve Franzen for addressing his class about all things that the County Attorney's Office does and how the office works on behalf of the community. Mr. Franzen Stated that he enjoyed it.

Commissioner Besecker then wished everybody Merry Christmas and Happy New Year.

Commissioner Lampe stated that at the Newport Business Association's Holiday Social last Wednesday, a group called "The 410" the giving circle of the Horizon Community Funds presented a check for over \$13,000 to Southbank Partners to be used to fund the installation of murals along the floodwalls connecting Newport and Bellevue. He wished everybody a healthy, happy and safe holiday season.

Commissioner Painter wished everybody a Merry Christmas and Happy New Year.

Judge Pendery made the following announcements:

1. The Campbell County Fiscal Court offices will be closed on December 24, 25 and 31, 2019 and January 1, 2020 in observance of the Christmas and New Year's holidays.
2. The first Fiscal Court meeting in 2020 has been changed to Thursday, January 2 at 7:00pm at the Campbell County Courthouse, 8352 East Main Street, Alexandria, due to the New Year Day holiday on Wednesday, January 1.
3. The annual Christmas Tree Recycling Program will take place December 26, 2019 through January 10, 2020. Live, undecorated trees may be dropped off in the designated area at Pendery Park. The KY Department of Fish and Wildlife will use the trees to improve fish habitat in lakes across the Commonwealth.
4. Organizations interested in receiving Campbell County Payroll Tax Funds to service the citizens of Campbell County in the areas of mental health, intellectual disabilities, or aging services must download, complete, and email the FY 2021 application available at www.campbellcountky.gov by 11:59pm on January 15, 2020.

Marie Schenkel presented the Finance Director/Treasurer's Report by requesting a motion to authorize staff to solicit bids to purchase a body scanner for the Campbell County Restricted Custody Center. Motion was made by Commissioner Besecker, seconded by Commissioner Painter. Ms. Schenkel added that the cost of about \$125,000 will be paid from commissary funds. Commissioner Painter stated that there is one body scanner in operation at the jail which has been very successful in intercepting contraband. This equipment will avoid the embarrassment and discomfort of body searches. All voted "Aye" and the motion passed.

A motion was requested to authorize staff to solicit bids for 28 cage door panels and 29 isolation dividers for the cages at the Campbell County Animal Shelter. Kim Serra explained that a shelter assessment was done and this was one of the recommendations to address the health and welfare of the animals and employees. The dividers reduce stress, contamination, vet bills and injured employees. 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 participate with Boone and Kenton Counties in a joint solicitation for tree removal services. These services will be provided in areas that are unsafe for the Road Department employees to handle. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

A motion was requested to authorize the Judge/Executive to execute any documents/contracts related to the East Alexandria Pike ELR #63 project awarded to Lonkard Construction by the Fiscal Court at its November 20, 2019 meeting. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to approve interfund transfers dated November 27, 2019. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

A motion was requested to approve budget transfers dated November 29 and December 18, 2019. Ms. Schenkel explained that the transfers do not increase the overall budget they only reallocate certain funds. Motion was made by Commissioner Painter, seconded by Commissioner Lampe. All voted “Aye” and the motion passed.

Ms. Schenkel then requested a motion to approve the claims paid per standing order, supplemental claims and claims dated December 18, 2019. She stated that one item was removed from the December 18, 2019 claims – the invoice was voided for a FY 2021 membership that was billed early in the amount of \$1,940 from the General Fund. County Attorney Steve Franzen advised that he 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 Besecker. All voted “Aye” and the motion passed.

Judge Pendery thanked Ms. Minter for all that she did related to the zone change. There were many people at the meeting tonight concerned about their property and safety of their children. Ms. Minter was worked on this for weeks. He also thanked the County Attorney for his advice on this issue.

There being no further business to come before the Fiscal Court, Commissioner Painter made a motion to adjourn, seconded by Commissioner Lampe. All voted “AYE” and the meeting adjourned at 6:39 pm.

Attachments:

- Resolution R-123-19 Adopt the 2020 Budget for the County Clerk
 - Resolution R-124-19 Adopt the 2020 Budget for the County Sheriff
 - Resolution R-113-19 Order of Affiliation-Campbell County LandSAR
 - Resolution R-114-19 Application for Ambulance Block Grant Funds
 - Resolution R-115-19 Agreement with SD1for Storm Water System Cost Share Program
 - Resolution R-116-19 Application for Walmart Local Community Grant
 - Resolution R-120-19 Approve Property Assessment & Reassessment Moratorium
 - Resolution R-121-19 Approve Property Assessment & Reassessment Moratorium
 - Resolution R-122-19 Approve Property Assessment & Reassessment Moratorium
 - Resolution R-119-19 Update Human Resources Manager Position Description
 - Resolution R-117-19 Agreement with Campbell County School District
 - Resolution R-118-19 Agreement with Computer Information System Inc.
- Interfund Transfers
Budget Transfers
Claims Paid per Standing Order, Supplemental Claims and Claims

Approved:

STEVE PENDERY
Judge/Executive

Attest:

Paula K. Spicer, Fiscal Court Clerk