

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**DECEMBER 2, 2020**

A special meeting of the Campbell County Fiscal Court was held on Wednesday, December 2, 2020 at 5:30p.m. at the Campbell County Administration Building, Fiscal Court Chambers, 1098 Monmouth Street, Newport, Kentucky.

Cable Access was present to film the public hearing and meeting. Both the public hearing and meeting were also broadcast live on the Fiscal Court Facebook Page.

Preceding the opening of the Fiscal Court meeting, a public hearing was held at 5:30 p.m. to receive public comment on the application of Patrick Smith for a Permit to Operate a Place of Entertainment at 914 Camel Crossing, Alexandria, Kentucky known as Claryville Inn. Present at the hearing were:

Judge/Executive Steve Pendery,  
County Commissioner Geoff Besecker,  
County Commissioner Tom Lampe,  
County Commissioner Brian Painter,  
County Attorney Steve Franzen,  
County Administrator Matt Elberfeld,  
Fiscal Court Clerk Paula Spicer,  
Police Chief Craig Sorrell

Steve Franzen conducted the public hearing which was advertised in the November 26, 2020 edition of the *Campbell County Recorder*. He advised that Mr. Smith's application was received by the Campbell County Clerk on September 23, 2020. The Campbell County Police Department investigated and interviewed Mr. Smith finding that he had no previous criminal history. Mr. Smith is familiar with the alcoholic beverage laws of Kentucky and was given a copy of KRS Chapter 231. Having found no issues with Mr. Smith, Mr. Franzen recommended that Judge Pendery grant the Entertainment Permit. There being no questions or comments, the public hearing was closed at 5:33 p.m.

The regular meeting was called to order at 5:33 p.m. by Judge Pendery.

In attendance at the regular meeting were:

COUNTY JUDGE/EXECUTIVE  
STEVE PENDERY  
COUNTY COMMISSIONERS  
GEOFF BESECKER  
TOM LAMPE  
BRIAN PAINTER

County Attorney Steve Franzen,  
County Administrator Matt Elberfeld,  
Fiscal Court Clerk Paula Spicer,  
Police Chief Craig Sorrell

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 November 18, 2020 were presented. Commissioner Besecker made a motion to adopt the minutes, seconded by Commissioner Lampe. All voted "AYE" and the motion passed.

There being no old business, Matt Elberfeld presented new business by requesting a motion to grant to Patrick Smith a permit to operate a place of entertainment known as Claryville Inn located at 914 Camel Crossing, Alexandria, Kentucky. Motion was made by Judge Pendery, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to grant the authority to solemnize marriages to Michael Dutle, Campbell County Justice of the Peace 3<sup>rd</sup> District, during his term of office. Mr. Dutle was elected to office to fill an unexpired term during the November 3, 2020 general election. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

Resolution R-83-20 was read by title. R-83-20 adopts a revised Campbell County Emergency Operations Plan prescribing the regulations governing disaster and emergency mitigation, preparedness, response and recovery services in and for Campbell County, Kentucky. There are no significant changes since the plan's last adoption; simply administrative changes. Commissioner Lampe made a motion to adopt R-83-20, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Resolution R-84-20 was read by title. R-84-20 approves the A J Jolly Golf Course fees for the 2021 golf season. Mr. Elberfeld highlighted some of the changes: cart fees have increased one dollar, greens fees and walking fees stayed the same, season passes have increased between \$50 and \$100, some concessions increased 25 to 50 cents and some decreased due to different and better pricing from suppliers. Overall not many big changes. Commissioner Painter made a motion to adopt R-84-20, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

A motion was requested to recommend to the Kentucky Department for Public Health, the reappointment of James Ernst OD to the Campbell County Local Board of Health for a two-year term effective January 1, 2021 through December 31, 2022. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted "Aye" and the motion passed.

A motion was requested to reappoint Judge/Executive Steve Pendery to the Ohio-Kentucky-Indiana Regional Council of Governments with Matt Elberfeld serving as his alternate, for a one-

year term effective January 1, 2021. Motion was made by Judge Pendery, seconded by Commissioner Lampe. All voted “Aye” and the motion passed.

The final item of new business was a motion by Judge Pendery to reappoint Commissioner Brian Painter to the Ohio-Kentucky-Indiana Regional Council of Governments with Commissioner Tom Lampe serving as his alternate, for a one-year term effective January 1, 2021. The motion was seconded by Commissioner Lampe. All voted “Aye” and the motion passed.

Mr. Elberfeld then presented Resolution R-85-20 by title. R-85-20 authorizes the Judge/Executive to execute a Release of Claim with Cardinal Engineering Corporation and CNA Insurance for the Hillview Drive Road Replacement Project. A significant change order in the amount of \$165,000-\$170,000 was approved for this project in spring 2020. Part of the change order was due to a plan design error made by Cardinal Engineering. This is a reimbursement by Cardinal’s insurance carrier CNA, and by Cardinal in the amount of \$49,205. He clarified that he and Road Supervisor Luke Mantle calculated the amount they felt should be owed to the County. Cardinal Engineering acknowledged its mistake and they and their insurance carrier agreed with the amount. Upon execution of the release, the Fiscal Court will be reimbursed \$49,205 of the change order. The County Attorney’s office has reviewed and approved of this action. Judge Pendery made a motion to adopt R-85-20, seconded by Commissioner Painter. All voted “Aye” and the motion passed.

Steve Franzen advised that things are shutting down again at the Courthouse. Most of his office’s work is being done remotely, except for in-person required arraignments.

Commissioner Besecker acknowledged the healthcare workers that are going through the COVID-19 spike again. He offered his thanks and sympathies to them and appreciates their willingness to take care of people they don’t know. These workers are a real blessing to our community especially during this holiday season.

Commissioners Lampe and Painter had no report.

Judge Pendery made the following announcements:

1. The Fiscal Court will team up with Cohen Recycling to collect old holiday lights. Now through February 1, 2021, residents may drop off holiday lights in the containers located in the first-floor lobby of the County Administration Building, 1098 Monmouth Street, Newport and at the upper level entrance of the County Clerk’s office, 8330 West Main Street, Alexandria; and
2. The annual tree recycling program will be held December 26, 2020 through January 10, 2021. Residents may drop off live, undecorated trees at the designated area at Pendery Park, 4051 Mary Ingles Highway, Melbourne. The Kentucky Department of Fish and Wildlife will use the trees to improve fish habitat in lakes throughout the Commonwealth.

Matt Elberfeld requested a motion to authorize staff to participate in a joint solicitation with Boone and Kenton Counties for the purchase of a 14,000-19,000 pound excavator. Boone County Fiscal Court will conduct the bidding process for the 2021-2022 fiscal year. Staff is unsure whether the County needs an excavator or if it will purchase one, but if they do need one they will already have the bid results. This action does not commit the County, but it doesn’t

hurt to participate in the process to see what's available. Motion was made by Commissioner Painter, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to accept the bid of Sunesis Construction in the amount of \$173,466.19 for replacement of the small bridge on Dodsworth Road. Sunesis has performed work for the County in the past with excellent results. They were the lowest of seven bids received. The engineer's cost estimate for this project was \$225,000. The County has applied for 80/20 bridge replacement funds from KYTC and will receive \$80,000 toward the cost of this project. Motion was made by Commissioner Painter, seconded by Commissioner Besecker. All voted "Aye" and the motion passed.

A motion was requested to approve interfund transfers dated November 30, 2020. Motion was made by Commissioner Lampe, seconded by Judge Pendery. All voted "Aye" and the motion passed.

A motion was requested to approve budget transfers dated November 30, 2020. Mr. Elberfeld stated that the transfers don't increase the total size of the budget, but reallocates funds to different line items. Motion was made by Commissioner Lampe, seconded by Commissioner Painter. All voted "Aye" and the motion passed.

Mr. Elberfeld then requested a motion to approve the claims and claims paid per standing order dated November 25 and December 2, 2020, the election claims dated November 30, 2020 and benefits claims dated December 1, 2020. County Attorney Steve Franzen advised that he has reviewed the claims and determined that they all appear appropriate. Commissioner Painter made a motion to approve the claims, seconded by Judge Pendery. Commissioner Lampe agreed with payment of the claims however, recused himself from approving any claims related to employee benefits due to his employer's relationship with those companies. All voted "Aye" and the motion passed.

Commissioner Besecker asked how the next Fiscal Court meeting would be held. Judge Pendery stated that there is a full-blown coronavirus spike in northern Kentucky right now and the Governor has issued orders that are effectively locking down parts of the economy; his inclination is to operate remotely to the extent that they are able. Tonight's meeting was an exception because of the public hearing which had to be held in person to allow for participation by the public. The Newport location is beneficial because if somebody is sick that needs to remotely join in the meeting, the technology is available to do that. Judge Pendery suggested that they continue remote meetings until such time that the current crises passes. He added that St. Elizabeth Hospital in Ft. Thomas, where all COVID patients were cared for, exceeded its capacity and they've expanded it to their Florence campus. The hospital staff is looking forward to a time when there are fewer new cases and fewer people to care for. It is a taxing process for them; they are exhausted and it would be nice for them to have a break. People need to do the simple things like wearing a mask and staying socially distant from others so that we aren't straining the resources. We all should commit to redoubling our efforts. Mr. Franzen clarified that nobody has figured out a way to do a mandatory public hearing remotely – that is why they are here tonight. The Governor's orders specifically allow the Fiscal Court to hold its regular meetings via Zoom or another remote device. However, when a public hearing is necessary, he

is not aware of a way to do that and still allow the public to come before the Court and say their peace.

There being no further business to come before the Fiscal Court, Commissioner Besecker made a motion to adjourn, seconded by Commissioner Painter. All voted “Aye” and the meeting adjourned at 5:56 p.m. Judge Pendery thanked everybody for joining the meeting.

Attachments:

- Resolution R-83-20 Adopt Revised Campbell County Emergency Operations Plan
- Resolution R-84-20 Approve A J Jolly Golf Course Fees for 2021 Golf Season
- Resolution R-85-20 Authorize Execution of a Release of Claim
- Interfund Transfers dated November 30, 2020
- Budget Transfers dated November 30, 2020
- Claims and Claims Paid Per Standing Order dated November 25 and December 2, 2020
- Election Claims dated November 30, 2020 and Benefits Claims dated December 1, 2020

Approved:

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STEVE PENDERY  
Judge/Executive

Attest:

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Paula K. Spicer, Fiscal Court Clerk