MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
November 3, 2015
5:30 P.M.

ITEM I. **CALL TO ORDER**

A. Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.
B. Commissioner Cathy H. Flaig presented the Invocation and the Pledge to the Flag.

Present: Gary W. Moore, County Judge/Executive
Cathy Flaig, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Bob Neace, County Attorney

Staff: Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Lisa Buerkley, Assistant County Administrator
Ben Reece, Finance Director
Scott Pennington, County Engineer
Gary Peace, Sheriff Department
Sharon Burcham, Fiscal Court Clerk

Absent: Charlie Walton, Commissioner, District 3

Judge Moore asked to have a presentation before the Public Hearing. Ms. Rhonda Whitaker from Duke Energy is present and has some good news regarding funding for the Boone County Water Rescue. Ms. Whitaker from Duke Energy stated that safety is always a concern for Duke Energy. From funds for community development they are purchasing seven (7) new dive masks for the Boone County Water Rescue team in the amount of $9,500. The new masks were passed around to the Court members. Dale Appel, Chief of the Water Rescue Department stated the present masks have expired. Commissioner Flaig asked a question to which Dale Appel, Chief of the Water Rescue responded. Judge Moore thanked Duke Energy for their contribution.

ITEM II. **NOTICE OF PUBLIC HEARING**

Judge Moore asked the Fiscal Court Clerk to read into the record the Notice of Public Hearing: Notice is hereby given that the Boone County Fiscal Court will hold a public hearing on November 3, 2015 at 5:30 PM, prior to the Fiscal Court Meeting, at the Administration Building, 2950 Washington Street, Burlington, Kentucky, 41005, First Floor, Fiscal Court Room. The purpose of the public hearing is to consider an application to vacate a portion of highway right-of-way on Booneland Trail between Olympic Blvd and Erlanger Rd. All persons having interest in the proposed vacation are invited to appear and provide information and comment.

Judge Moore asked Scott Pennington, County Engineer to explain. Scott Pennington, County Engineer commented that he and Commissioner Charlie Walton and Steve Bayer from Public Works visited the site off Mineola Pike, it is a short piece of street. It will be a standard street closing with standard conditions. Judge Moore commented that we are following the State Law covered by statute. Jeff Earlywine, County Administrator, added that adjacent property owners were contacted, the owners are working with Planning and Zoning to expand their building. Judge Moore asked if there were any questions from the audience, those in favor or those opposed. Mr. Prautsch who lives at 5051 Erlanger Road asked a question concerning utilities. Scott Pennington, County Engineer answered that all easements remain the same for utilities. Mr. Prautsch explained that Duke Energy was on site cutting brush from under the utility lines. Judge Moore explained that the right of way was the issue, not utilities. Jeff Earlywine, County Administrator, commented that it was a coincidence that Duke was there the same time as the request for the right of way. Commissioner Flaig asked a question and stated that she was not satisfied with pursuing the vacation at this time. Judge Moore asked if there were any others in the audience wishing to comment. Mr. Nick Domascko stated his father owned the land and was concerned for the other landowners. Commissioner Flaig asked a question to Mr. Domascko. Judge Moore asked if there were any other questions. Mr. Gary Westorp, owner of Jewel-Craft made comments. Judge Moore closed the Public Hearing after all comments were heard.

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Judge Moore asked the Fiscal Court Clerk to read into the record the Resolution. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE REQUEST TO CLOSE A PORTION OF HIGHWAY RIGHT-OF-WAY ON BOONELAND TRAIL BETWEEN OLYMPIC BOULEVARD AND ERLANGER ROAD IN BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE VIEWING COMMITTEE WITH CONDITIONS.

Commissioner Flaig made the Motion to postpone the Resolution. Judge Moore asked if there were time sensitive issues involved. Jeff Earlywine, County Administrator, explained there was a zone map amendment. Commissioner Kenner asked if they could be provided with the long term plan from Planning and Zoning. Judge Moore commented that the Court wanted to do due diligence. Commissioner Flaig stated she wanted to view the site again. Mr. Domasco asked if he could accompany the Commissioners when they went to the site. Judge Moore suggested the Resolution be tabled until next Court meeting, November 17, 2015. Commissioner Flaig moved, seconded by Commissioner Kenner, to table the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM III. APPROVAL OF MINUTES

A. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of October 20, 2015, with no corrections to be made. Judge Moore called for a vote on the motion, MOTION PASSED 3-0.

ITEM IV. PRESENTATIONS

A. Ms. Andrea Shephard from What's Happening publication was present as the publication is celebrating their 25th year anniversary in print. They started with 25,000 issues and last year distributed 51,000 issues. Ms. Shephard thanked the Court for their support. Judge Moore congratulated her on the 25 years and stated it has been a great partnership with good information. Commissioner Flaig commented she liked the publication.

B. Bill St. Pierre from the Kentucky Native American Heritage Commission was present. Judge Moore explained Mr. St. Pierre was here to support the legal recognition of the definition of "American Indian". Kenton County has already passed a Resolution in support. Mr. St. Pierre thanked the Court for having him and explained he is the Northern Kentucky Representative to the Northern Kentucky Native Heritage Commission. Our Commission exists to create awareness. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-182. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE LEGAL RECOGNITION OF THE DEFINITION OF "AMERICAN INDIAN". Judge Moore commented this is American Indian Heritage Month in Kentucky declared by the Governor. Commissioner Flaig commented. Judge Moore thanked Mr. St. Pierre for coming. Commissioner Kenner moved, seconded by Commissioner Flaig, to table the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM V. PERSONNEL MATTERS

A. None at this time.

ITEM VI. ORDINANCES

A. First Readings – None at this time..

B. Second Readings – None at this time.

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ITEM VII. **JUDGE'S REPORT**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-183. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF CLAIRE E. PARSONS BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO COMPLETE THE UNEXPIRED TERM OF CINDI COLLINS ON THE NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT COUNCIL ON AGING. Judge Moore explained there are 2 vacancies on this Board. Claire is an attorney that lives in Union. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM VIII. **ADMINISTRATIVE MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-184. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE AWARDING OF A CONTRACT FOR A REGIONAL PAVEMENT MANAGEMENT SYSTEM WITH INFRASTRUCTURE MANAGEMENT SERVICES (IMS). Judge Moore asked Scott Pennington, County Engineer to explain. Scott Pennington stated that the County approved IMS as the consultant. This is a joint project with Kenton County and tonight is the presentation of the Contract to vote on. The total price being $103,310, with Boone County's portion being $85,943.69 and Kenton County's portion being $17,367.31. Judge Moore commented that Boone County's percentage is more due to the number of road miles. Scott Pennington, County Engineer added Boone County has 4 times the mileage of Kenton County. Commissioner Flaig asked a question and Scott Pennington, County Engineer, responded. Judge Moore added this is a budgeted item. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-185. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING AN AGREEMENT WITH SANITATION DISTRICT 1 OF BOONE, CAMPBELL AND KENTON COUNTIES TO JOINTLY SHARE EXPENDITURES FOR SANITARY SEWER ENGINEERING AND DESIGN SERVICES. Judge Moore asked Jeff Earlywine to explain. Jeff Earlywine, County Administrator stated that Hebron has capacity issues with the sewer system. The County is offering $275,000 to partner with SD1 to award a contract to do the work on a 50-50 cost share basis. Judge Moore added the County has stepped forward to partner because there are no more sewer reservations being approved in Hebron. We are partnering in the engineering only. Commissioner Kenner commented he is glad to see this moving forward. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-186. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING TWO USED 2008 FORD E-450, 8 PASSENGER VANS AS SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF SAID VEHICLES TO THE COMMUNITY FOUNDATION OF NORTHERN KENTUCKY AND BAWAC. Judge Moore asked Jeff Earlywine, County Administrator, to explain. Jeff Earlywine commented these are 2 additional vans being offered to the County, we will accept them as surplus property from TANK and transfer them to two (2) non-profit agencies. Commissioner Flaig asked a question concerning the cost. Jeff Earlywine, County Administrator, answered no out of pocket money, just cost of the title work. Judge Moore stated the County is just the pass through for the vehicles. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-187. A RESOLUTION OF THE FISCAL COURT OF THE COUNTY OF BOONE, KENTUCKY, AUTHORIZING THE ISSUANCE OF UP TO $12,000,000 MAXIMUM AGGREGATE PRINCIPAL AMOUNT TAXABLE INDUSTRIAL BUILDING REVENUE AND REVENUE REFUNDING BONDS, SERIES 2015, IN ORDER TO ASSIST CIRCLEPORT CONFERENCE CENTER LANDLORD, LLC, OR ASSIGNS, TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING AND REFINANCING OF INDUSTRIAL BUILDING FACILITIES LOCATED WITHIN THE COUNTY OF BOONE, KENTUCKY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LEASE AGREEMENT BETWEEN THE COUNTY OF BOONE, KENTUCKY AND CIRCLEPORT CONFERENCE CENTER LANDLORD, LLC, OR ASSIGNS, WITH RESPECT TO THE FACILITIES; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND

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FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT; AUTHORIZING AN IN LIEU OF TAX PAYMENTS AGREEMENT; AND AUTHORIZING A HOME OFFICE PAYMENT AGREEMENT. Judge Moore explained this is concerning the METS Center on Mineola Pike. Jeff Earlywine, County Administrator, commented we want to authorize the County to partner with Corporex. It is a wonderful facility. The University made a business decision to not lease the building again. St. Elizabeth wants to use it as a training facility. St. Elizabeth will increase their staff at the facility, a noticeable increase in payroll tax. Bonds will be tax exempt and will not extend debt beyond what could have been approved in 2003, 30 years. Pt. Pleasant Fire Department needs to be compensated for providing services to that facility. As such, the existing pilot Agreement would be amended to reflect this change. There will be no responsibility for obligation of payment of Bonds by Corporex. St. Elizabeth will also provide for corporate training at the site. Judge Moore introduced Garren Colvin, CEO for St. Elizabeth from the audience. Officials from Corporex, the Bond counsel and representatives from Corporex's real estate department are also present. Commissioner Kenner stated is it a great way to move forward, it is a win, win for everyone. Mr. Colvin, CEO of St. Elizabeth stated it will be a state-of-the-art educational center for all of St. Elizabeth's training. Once improvements are made they will let companies continue to use the corporate training portion of the facility. There are approximately 2,000 Boone County residents employed at St. Elizabeth. We want Boone County to be one of the healthiest counties in the United States. Commissioner Flaig asked how much land was with the building. Judge Moore responded, 7 acres combined. Judge Moore thanked Mr. Colvin for their investment. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

E. Judge Moore asked for consent from the Court to add an additional item to the Agenda. Flaig moved, seconded by Commissioner Kenner, to add the additional item. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-188. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF A VIEWING COMMITTEE, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, REGARDING THE REQUEST TO VACATE A PORTION OF HIGHWAY RIGHT-OF-WAY ON TRANSPORT DRIVE BETWEEN 55 TRANSPORT DRIVE AND 40 LOGISTICS BOULEVARD IN BOONE COUNTY, KENTUCKY. Judge Moore asked Scott Pennington, County Engineer, to explain. Scott Pennington, County Engineer commented this area covers a small sliver of Transport Drive, we need to clean up the piece which is about 1/10 of an acre. Judge Moore explained this is to appoint the reviewing committee only. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM IX. FISCAL MATTERS

A. Judge Moore presented the Invoice Report dated November 3rd and pre-paid Invoice reports dated October 22nd and 29th. Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

Judge Moore stated the Invoice Reports are always on the website for the public to review. They are uploaded to the website on Friday afternoon. The County's new website is up and running, it is more user friendly. You can find it at www.BooneCountyKy.org.

B. Judge Moore presented the Golf Invoice Report dated November 3rd and pre-paid golf invoices for October 22nd and 29th . Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Golf Course Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

ITEM IX. OLD BUSINESS

A. Judge Moore asked if there was any Old Business before the Court. None presented.

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ITEM X. **NEW BUSINESS**

Judge Moore asked if there was any New Business before the Court. Jeff Earlywine, County Administrator, stated in preparation of snow season Public Works found one of their trucks has a fatal defect. The truck is 26 years old, has over 230,000 miles and has a 6 foot crack in the frame that cannot be repaired. The County maintains over 40 snow routes and we have no spare trucks this size. We have found 1 vehicle that matches this size in North Cincinnati that generally conforms to our specifications and it is snow ready. This is not in our budget to replace; the estimated cost of the truck would be $130,000 - $140,000. We want the staff to proceed with the specs and bids as quickly as possible to approve at our first meeting in December. Judge Moore commented he has seen the truck and it is not road worthy. This is a service we provide to the community and is needed. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the starting of the bid process. Judge Moore called for a vote, ALL PRESENT VOTING 3-0.

ITEM XI. **ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Kenner moved, seconded by Commissioner Flaig, to adjourn the meeting. ALL PRESENT VOTING AYE 3-0.

Next Fiscal Court Meeting – Tuesday, November 17, 2015 @ 5:30pm.

CLERK CERTIFICATION

I, Sharon Burcham, having been appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Boone County Fiscal Court at the meeting of November 3, 2015.

_____
Fiscal Court Clerk

Date: _____