

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
March 7, 2017
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 Charlie Walton presented the Invocation and the Pledge to the Flag.

Present: Gary W. Moore, County Judge/Executive
Cathy H. Flaig, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Charlie Walton, Commissioner, District 3
Robert Neace, County Attorney

Staff: Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Matthew H. Webster, Assistant County Administrator
Benjamin T. Reece, Treasurer/Finance Director
Scott Pennington, County Engineer
Lori Zombek, Director of Human Resources
Maj. Tom Scheben, Sheriff Department
Sharon Burcham, Fiscal Court Clerk

PUBLIC HEARING

Judge Moore called to Order the Public Hearing and asked the Fiscal Court Clerk to read the Public Hearing Notice: Notice is hereby given that the Boone County Fiscal Court will hold a public hearing on March 7, 2017 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 section of street right-of-way from 10855 to 11000 Toebben Drive in Independence (Un-incorporated Boone County). 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 comment. Scott stated this vacation is for a short piece of Toebben Drive for the FedEx expansion. The Viewing Committee observed the location and approves the vacation with the standard conditions. Judge Moore asked if there was anyone from the audience in attendance that wanted to speak or if the Commissioners wanted to comment. Jeff Earlywine, County Administrator, stated the right-of-way that is being vacated is for the large FedEx expansion project in the amount of \$150M. Commissioner Walton asked to have the Resolution read. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. B: A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST TO VACATE STREET RIGHT-OF-WAY FROM 10855-11000 TOEBBEN DRIVE, INDEPENDENCE, IN UNINCORPORATED BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE VIEWING COMMITTEE. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0. Judge Moore closed the Public Hearing.

Judge Moore announced that Kroger had issued a press release about their purchase of property on Mt. Zion Road in Boone County for an investment of a distribution center. Kroger will have 100 new jobs to start; this will be a distribution center for Kroger brand products.

DHL will be hiring 900 at a Job Fair, all first-shift during the day positions.

We want to congratulate Cooper High School Boys Basketball team for being 9th Region Champs.

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ITEM II.

APPROVAL OF MINUTES

A. Judge Moore presented the Minutes from the February 21, 2017 meeting for approval. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Minutes from the February 21, 2017 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, MOTION PASSED AYE 3-0. Commissioner Flaig abstained due to her absence at the February 21, 2017 meeting.

ITEM III.

PRESENTATIONS

A. Judge Moore introduced Adam Chaney, Executive Director of SD1. Mr. Chaney stated he had a goal to attend Fiscal Court and give a report quarterly, communicate to the outside to build trust through transparency. Mr. Chaney shared some of the major challenges that SD1 faces. He asked if the Court had any issues or questions. Commissioner Flaig asked if the Hebron project was progressing. Mr. Chaney responded the builders are able to start development in Hebron. Commissioner Walton stated he is very pleased the Board chose Adam. Judge Moore commented there are homes being built in Boone County before sewers were available. This is a good opportunity for us to offer more service to the public. The loan the County gave to SD1 gets repaid by sewer taps, an investment that will pay off. Mr. Chaney commented the loan from Boone County will fund the Hebron project and will be a return on the investment for years to come. Judge Moore asked if there were any questions from the Court? Mr. Sie from Hebron asked a question about combination sewers. Mr. Chaney responded. Judge Moore thanked Adam Chaney for his attendance.

B. Judge Moore introduced Mr. Chad Schneider from KYTC D-6 Burlington Section Office. Mr. Schneider gave a presentation on the recommendations of KYTC for repairs and upgrades to Boone County roads. Judge Moore asked Scott Pennington, County Engineer if he had any comments. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE PROPOSED FY2017-18 KYTC RURAL SECONDARY PROGRAM, INCLUDING THE USE OF "FLEX FUNDS"; AS RECOMMENDED BY KYTC DISTRICT SIX STAFF. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0. Judge Moore added this is for rural secondary road maintenance.

ITEM IV.

PERSONNEL MATTERS

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENTS OF CARLEY HILL, MACEE JONES AND JACOB BARRETT BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE SEASONAL POSITION OF 21ST CENTURY GRANT COUNSELORS FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated all three of these Resolutions are for seasonal employees for the 21st Century grant, for the golf courses and the Parks Department. They will receive no benefits. Commissioner Walton stated the 21st Century grant is not County money. Lori Zombek, responded, the 21st Century grant is working with children. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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B. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF NEW HIRES AND RETURNING SEASONAL WORKERS FOR CONCESSIONS, SPECIAL EVENT EMPLOYEES, PROGRAM LEADERS, SITE COORDINATORS FOR DAY CAMPS, MAINTENANCE AND UNION POOL STAFF BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore commented, these are also seasonal employees. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE APPOINTMENT OF SEASONAL RE-HIRES AND SEASONAL NEW HIRES BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR GROUNDS MAINTENANCE AT THE BOONE COUNTY GOLF COURSE. Judge Moore commented these are seasonal. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM V.

ORDINANCES

A. No Ordinances were presented.

ITEM VI.

JUDGE'S REPORT

A. Nothing at this time.

ITEM VII.

ADMINISTRATIVE MATTERS

Items A & B have already been presented.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT REJECTING THE SUBMITTED BID FOR A SEVEN-PASSENGER VAN FOR THE SHERIFF'S DEPARTMENT AND APPROVING PROCUREMENT OF THE VAN FROM THE STATE MASTER AGREEMENT. Jeff Earlywine, County Administrator, explained this is the second time we have bid and we recommend we reject the bid. It did not meet our requirements. This van is for inmate transportation. We want to go with the State Master Contract, they have a vehicle that is the best available for our need at the cost of \$32,203. We recommend you reject the bid and authorize the purchase off the State Agreement. Bill Angel, Fleet Manager is in the audience for any questions. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR A 2017 1-TON REGULAR CAB/UTILITY BODY VEHICLE TO BACHMAN AUTO GROUP AT THE BID PRICE OF \$35,972.00 FOR THE PUBLIC WORKS DEPARTMENT. Scott Pennington, County Engineer, explained this is the last vehicle his department needs to obtain to replace a utility truck. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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E. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE REMOVAL AND RELOCATION OF ALL ABANDONED GRAVES IN THE ANN POPHAM CEMETERY AND THE POPHAM 2 CEMETERY. Judge Moore explained this involves a cemetery relocation and asked if anyone was in the audience. Jeff Earlywine, County Administrator, commented Jeannine Kreinbrink, Senior Archaeologist and Paul Hegedus from the Airport were in attendance and explained this involves two small abandoned family cemeteries on Kenton County Airport Board property. There has been a review and investigation. The graves are unkempt and not maintained. We want to permit relocation to Hebron Lutheran Cemetery. Judge Moore stated we try to do what is best by relocating to a maintained cemetery. Judge Moore asked if anyone in attendance was opposed to the relocation. Commissioner Flaig asked if there had been any contact with the families. Jeannine Kreinbrink commented that family wants the relocation. Commissioner Flaig asked if there were any living relatives, Jeannine Kreinbrink responded, only one family member contacted us. Jeff Earlywine explained the process of the Public Notice and advertising in the local newspaper. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM VIII.

FISCAL MATTERS

A. Judge Moore presented the Invoice Report dated March 7th, 2017 and pre-paid Invoice Reports dated February 23rd, February 28th and March 2nd, 2017. Commissioner Kenner moved, seconded by Commissioner Walton to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

Judge Moore reminded the audience that all fiscal matters can be reviewed on our website at OPENGOV.com.

B. Judge Moore presented the Golf Invoice Report dated March 7th, 2017 and pre-paid Golf Invoice Reports dated February 23rd, February 28th and March 2nd, 2017. Commissioner Flaig moved, seconded by Commissioner Kenner to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM IX.

OLD BUSINESS

A. Public Safety Communication System/Funding Options Report Update. Judge Moore stated the Court wanted to give the latest update on the Public Safety Communication funding option. The need is not debated; the current system has some concerns. The western part of the County has little or no coverage. The Court asked the Staff to come up with ideas. Judge Moore reviewed the options of the property tax 4% increase; a dwelling fee; a blend of insurance premium tax at 8% that would eliminate or reduce four other taxes, remove the County portion of the motor vehicle tax, remove the 911 landline fee, reduce property tax and reduce the tangible tax. At our last Court meeting we were instructed to tweak Option #2 and look at an Option #4. Jeff Earlywine, County Administrator, with a slide presentation, stated the Staff has evaluated the capacity, focused on reducing rates to bring the rate down. We have looked at the Budget to see where we can

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save, no funding option was taken off the table. You asked the Staff to drill down. We looked back over a 10-year period at population growth and total cash expenditures. Our full-time staff is down; we looked at how we spend our money. Judge Moore commented what is not on the chart are the sales tax from cell phones, some items are not allowed to be taxed by County government. Jeff Earlywine added, the proper question is can we find money in our budget without cutting programs or reducing the level of service we provide? Commissioner Flaig asked if the exact dollar amount of cost had been determined. Jeff Earlywine responded, we have bids from three vendors stating the level of coverage, what is needed with lots of judgments to be determined. We are meeting with vendors but we are in the original range advised by our consultant of \$5M to \$10M. Judge Moore added the bid binders are rather large. The First Responders have been working with the consultant who is not on commission nor selling anything. We are working with the other two counties to be cost efficient, designing together. By the time we have the final vote for the funding you will know the exact cost. Jeff Earlywine stated we are working to a final number that you will see before we vote. Judge Moore stated we have said all along you will know the final number before we vote. Jeff Earlywine introduced Paul See, the Project Manager who grew up in the Radio business. Jeff went on to review Option #3, no new revenue. Without restructuring, just on system and equipment 3.5%. Option #4 is a blended option, some insurance tax at 5% and \$15 year dwelling fee, no repeals or cut in taxes. Judge Moore added the City of Florence already has an 8% insurance tax and it cannot be charged twice. The City of Walton pays 5% insurance tax, the Cities would have been receiving the tax cuts but not charged the insurance tax. The Court has taken the insurance tax off the table. Jeff Earlywine advised we have been given directions from the Court how to approach this, nothing has been prepared for tonight. Judge Moore stated this will require an Ordinance, there is no vote tonight. We will have a first reading, advertise the Ordinance, and have a second reading and then vote, probably sometime in April. It is final there will be no 8% insurance tax. We want to get direction on which Ordinance to prepare. Commissioner Kenner asked if the option of the dwelling fee would cover the cost of operating the new system? Jeff Earlywine responded, if we choose the dwelling fee, it would pay for the new radio system and replace the land line fee of \$40 year. It would not address the \$2M budgeted for 911 services and fund it every year. The amount of \$90 per year would cover the new radio system, the 911 service and eliminate the landline fee. Judge Moore added we would sunset the cost of the new radio system of \$15.00 at \$90.00 leaving \$75.00 to fund the 911 operation. Commissioner Kenner asked if the dwelling fee was per address. Jeff Earlywine responded, with the growth of the County there are fewer landlines. Commissioner Flaig asked if this was a parcel fee. Judge Moore responded, not per parcel but per dwelling. Jeff Earlywine added a single family home or one unit. Judge Moore explained the parcel definition. Commissioner Flaig asked what Campbell County charges. Jeff Earlywine responded per dwelling fee. Judge Moore stated the western part of Boone County is different, they do not have city water, and not fire hydrants close by. The ISO rating makes their premiums higher. Commissioner Walton stated he liked just the dwelling fee. He wanted to thank the person that sent out the red card, not everything on the card was correct but he had 41 people call him. He stated Florence would not be paying for the 911 system with the insurance premium; with the dwelling fee everyone pays. He wants to look at sun-setting it. Judge Moore responded if the dwelling fee is \$90.00 it would sunset \$15.00. The plan would pay off the new radio system in ten (10) years. We would prepare an Ordinance and determine the final costs. Jeff Earlywine added we will have a full final bid with all the details. We will finance the cost with the other 2 counties to drive down costs. Judge Moore stated our last Motion was to look at the dwelling fee and sun-setting it. Commissioner Flaig asked if we could take the money out of the general fund, \$800,000 is a lot of money with all the development in the next ten years. Judge Moore responded

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payment begins when the system is installed, the new growth will take several years to ramp up. With new homes there is needed service with new growth, nothing is free. The County shows a reduction of employees and the budget is flat. Commissioner Flaig stated the County does a good job we need to look at other ways to fund the project; Clerk Kenny Brown is receiving money next year. Jeff Earlywine stated with the \$2M subsidy it will take over \$4M to operate and service the new 911 system. Judge Moore stated with less landlines, we lose the \$33.12 per line. The dwelling fee is not a tax. Commissioner Walton made the Motion to explore and prepare the First Reading of the dwelling fee and sunset the cost of the new system and eliminate the 911 Landline fee. Commissioner Walton also stated he likes the transparency. Judge Moore stated the County cannot tax cell phones; the current 911 fee is a fee not a tax. Commissioner Flaig asked about the 911 fee on cell phone that goes to the State. Jeff Earlywine responded that 70 cents goes to the State and a portion comes back to local government. Jeff stated that folks struggle with the wireless tax. 90% of all 911 calls come from handheld devices. Judge Moore called for a vote on the Motion made by Commissioner Walton to explore and prepare the First Reading of the dwelling fee. Commissioner Kenner seconded the Motion. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-1. Commissioner Flaig voted NO. Commissioner Kenner stated he thinks the 911 dwelling fee is more fair to everyone. Commissioner Walton added the Staff should put all the facts on our website. Commissioner Flaig stated the people don't want to pay more taxes. Commissioner Walton said Boone is the finest County in Kentucky and we have the responsibility to give the most information we can give. The Insurance premium tax is going to fail, the other 2 counties have it and other cities have it, I agree it is not a good tax. Give the information and move forward. Commissioner Walton wanted the Motion to read look at the dwelling fee with a sunset provision. Judge Moore asked the audience to not call the phone number listed on the red card for him, it is incorrect and everyone has been calling a private residence of a lady in Union, Kentucky. Judge Moore asked if anyone from the audience wanted to ask questions of the funding options that have been presented.

1. Mr. Bernie Kunkle
2. Mr. Bill De'Andres
3. Mr. Arron Gilliam – Florence, KY
4. Bob Schwenke – Big Bone area
5. Mr. Steve Bruggemann
6. Mr. Larry Kunkle – Union, KY
7. Mr. Sie
8. Mr. Tom Wilson
9. Ms. Kathleen Chapman – Petersburg, KY
10. Ms. Phyllis Sparks – Walton, KY
11. Mr. Mike Bruggemann – Big Bone area
12. Debra Messer – Verona, KY

Judge Moore stated we would move back to answering questions. There is some misinformation out there. As far as the cost of snow plowing, there is no guarantee in the next ten years of how much snow we will have and how much salt we will use. The cost of the radios, the Sheriff's radios will come from the County. Jeff Earlywine added we have more than 100 radios to purchase. Judge Moore reviewed a comparison of taxes with other surrounding counties and how low Boone County taxes are. In the last Budget, there were no new taxes. Mr. Paul Sie from the audience asked how to set up the radio system because of the terrain. Judge Moore responded that is a technical question left up to the experts. The question of the Budget, did we know the need? We have fewer fees from the 911 Landline fee and the cost of operating the center has gone up. Jeff Earlywine added the County is guilty of prolonging the life of the current system. We can no longer get parts.

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The question of Florence paying less, the City of Florence cannot pay more than the current insurance tax. The dwelling fee would be each address or unit, each mailing address of a business. Mr. Bernie Kunkle asked if the County could sell the golf courses. Judge Moore responded that would be bad business as some people would exit the County. Jeff Earlywine stated the current Fiscal Year Budget has no new taxes, no fees.

Judge Moore asked if there were any more questions from the audience? None presented. Judge Moore stated the first reading of the dwelling fee Ordinance with a sunset clause for the radio communication system would be scheduled. Commissioner Flaig asked if there was any money in the budget to offset the costs? Jeff Earlywine responded, the Budget has an extra \$1M to the PSCC fund as a down payment, to help underwrite costs. Judge Moore added we could change the rate if we used the sunset at the end. We would start collecting in the 2018 calendar year. The Court needs to know the funding source. We cannot write the PO not knowing how to pay for it. Commissioner Flaig asked about the funds the County will receive from Kenny Brown, Clerk's office. Judge Moore explained at the 2018 end of term, by the time the audit is completed and checks are returned it could be 2019. Commissioner Flaig asked about the \$1.6M from Kenny Brown's office for a project? Judge Moore responded we might know in the Spring of 2019 but not receive the check until the Summer of 2019. Judge Moore asked if there were any other questions.

ITEM X.

NEW BUSINESS

Judge Moore asked if there was any New Business to come before the Court. Commissioner Walton stated for two years now he has been working with residents to provide access to sanitary sewer for homes around Evergreen Drive. This will prevent homeowners from having to pump septic tanks. We need to set up a plan for them to pay. Judge Moore commented this is similar to the rural water plan we facilitated to get the work done and homeowners pay. Commissioner Walton stated people were positive about the program. Commissioner Kenner stated his neighborhood did this in the 80's, he would be happy to look at the options. Jeff Earlywine, County Administrator, explained this is about an urban density subdivision. It is Evergreen and Ridgeview Drives. We will have a Town Hall meeting and SD1 will be involved. We will introduce the project and report to the Court. Commissioner Flaig asked how far the lines would be. Jeff Earlywine responded up to Sunnybrook Drive, Ridgeview to Gunpowder. Approximately 105 homes are included. Commissioner Walton stated this began back with the Boone Sewer & Water Department, a promise letter was sent out, then SD1 came in. Judge Moore asked if there was any objection with the Court to meet with the residents. Commissioner Flaig asked what the new tap in fee would be. Jeff Earlywine responded, \$3,259.00 and the lateral coming into the house, it is not inexpensive. Judge Moore stated the Staff would gather the data. Judge Moore asked if there was any other New Business to come before the Court, none presented.

ITEM XI.

ADJOURNMENT

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Kenner moved, seconded by Commissioner Walton, to adjourn the meeting. ALL PRESENT VOTING AYE 4-0. Judge Moore announced the next meeting will be March 21st, 2017.

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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 March 7, 2017.

Fiscal Court Clerk

Date: _____