

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**November 9, 2021**  
**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 Jesse Brewer presented the Invocation and the Pledge to the Flag.

Members of the Court Present:

Gary W. Moore, County Judge/Executive  
Cathy H. Flaig, Commissioner, District 1  
Charles E. Kenner, Commissioner, District 2  
Jesse A. Brewer, Commissioner, District 3  
Robert D. Neace, County Attorney

Members of the Staff Present:

Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Mathew H. Webster, Assistant County Administrator  
Robert Franxman, County Engineer  
Kimberley A. Krugel, Interim County Treasurer/Finance Director  
Lori Zombek, Human Resources Director  
Les Hill, Chief Deputy  
Shona Schulkers, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

Judge Moore presented the Minutes from the Fiscal Court Meeting of October 26<sup>th</sup>, 2021 for approval. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting October 26<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

**ITEM III.**

**PRESENTATIONS**

- A. The NKY Chamber, Northern Kentucky Tri-ED, and MeetNKY are teaming up to give a unified, regional outlook on our shared strategic imperatives for NKY, the health of the business community, and all the latest updates on the great work happening at these three regional entities to advance the region. Presentation by Lee Crume, President/CEO of Northern Kentucky Tri-ED.

**ITEM IV.**

**PERSONNEL MATTERS**

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF BRADLEY TURNER TO THE POSITION OF SECOND ASSISTANT GROUNDS SUPERINTENDENT FOR THE BOONE COUNTY GOLF COURSES. Lori Zombek commented that Bradley is a seasonal employee who is currently graduating with a Turf Grass Management degree. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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**ITEM V.**

**ORDINANCES**

- A. Judge Moore asked the Fiscal Court Clerk to read into the Second Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, APPROVING AN AMENDMENT OF BOONE COUNTY CODE OF ORDINANCES CHAPTER 71 RELATING TO THE BOONE COUNTY TRAFFIC CODE HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 12-03 ON FEBRUARY 21, 2012. Matthew Webster commented there has been no changes since the first reading. This ordinance will give our Deputy's discretion to enforce vehicles in a no parking area to tow as necessary. Judge Moore mentioned we are having continued challenges with semi-trucks parking on our streets. Commissioner Flaig moved, seconded by Commissioner Brewer, to adopt the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Judge Moore asked the Fiscal Court Clerk to read into the Second Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING WITH CONDITIONS, A REQUEST OF TIM GREIVE (APPLICANT) FOR BOB SUMEREL TIRE CO (OWNER) FOR A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (I-1/PD/HDO) ZONE FOR A 2.835 ACRE SITE LOCATED ON THE NORTH SIDE OF DONALDSON HIGHWAY, APPROXIMATELY 240 FEET WEST OF TURFWAY ROAD AND IMMEDIATELY WEST OF THE PROPERTY AT 1212 DONALDSON HIGHWAY, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO PERMIT A TRUCK TIRE STORAGE LOT. Jeff Earlywine commented there has been no changes since the first reading. The report comes with approval from the Planning Commission. Tim Greive (applicant) was in the audience to answer any questions. Commissioner Kenner moved, seconded by Commissioner Flaig, to adopt the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- C. PLANNING COMMISSION STAFF REPORT – Application for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. Request by Trauth Property Group (applicant) - Thousand Hills Holdings, LLC (owner) for a Change in an Approved Concept Development Plan to permit residential townhomes and an office building in addition to an existing pet daycare facility.

Judge Moore commented that he cannot remember a time when the court received an item from the Planning Commission with no recommendation for approval or denial. This is not a first reading ordinance, only a staff report. Mike Schwartz presented the original concept plan of the site, where roadways and proposed office space and residential will be located. He also presented the revised concept plan including the 18 two-story high end rental townhome units.

Commissioner Flaig commented that she didn't understand why it was coming without recommendation. Mike commented rather than having a split or tie vote, the Planning Commission decided to send it to the court to make the decision. The court has 90 days to take action, or the application dies.

Judge Moore asked what was being proposed. Brad Trauth (applicant) spoke about the description of the townhomes and the differences in the first plan and the revised plan.

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Tom Breidenstein spoke about the legal argument on behalf of Trauth Property Group. He said the development conforms with the current zoning. The multi-family residential should be characterized as commercial, the C-2 zoning list, multi-family is considered conditional use.

Judge Moore commented we are just trying to get an overview of what the Commission did or didn't do and decide if we are going to prepare this for a first reading for approval or a first reading for denial. If we do one or the other, we will allow an in-depth legal argument. No decision will be made tonight.

Jeff Earlywine commented the deadline is 1/4/22. He advised that the staff would need guidance from the court for our next meeting, 11/23/21, with the first reading on 12/7/21 and the second reading on 12/21/21 if there is a recommendation.

Dennis Repenning, attorney on behalf of Hebron Baptist Church spoke, he gave the background of the church. The church provides pre-school to 140 children, 4 days a week. The set up now doesn't have any traffic, the fear is having people in the area of the church will impede the pre-school program. The first proposal only had one driveway for the church, pet resort, and the proposed townhomes and office building. The revised proposal would add another road, which added more townhomes, asphalt, garages and more people, the second plan was worse than the first one.

Jay Fosset, land use zoning lawyer spoke on behalf of the Hebron Baptist Church. He said the proposed application does not comply with the Boone County Comprehensive Plan or the Boone County Zoning Regulations that apply to this property. Issues raised by church at Planning and Zoning public hearing were density of residential units, landscaping and buffering concerns, and church property being used by residents/visitors.

Mike Schwartz reminded the court if they want to hear new testimony, a public hearing would have to be advertised. The decision should be made based on the record of the Planning Commission.

Jeff Earlywine said in closing he wanted to understand exactly what we are reviewing. Brad Trauth wants us to consider the original plan as well as the revised plan. The second plan was provided to satisfy all parties and to be flexible. The opposition is opposed to both proposals, they are fine with commercial, but do not want residential. The Commissioners and Judge will not be able to discuss with either party.

**ITEM VI.**

**JUDGE'S REPORT**

- A. Judge Moore asked the Fiscal Court Clerk to read into the record A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF ROBERT SCHWENKE TO THE BOONE COUNTY PLANNING COMMISSION. Commissioner Brewer moved, seconded by Commissioner Flaig, 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 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF LISA HOFFMAN TO THE BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD. 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 VII.**

**ADMINISTRATIVE MATTERS**

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE BY-LAWS OF THE BOONE COUNTY ARCHIVE COMMISSION. Judge Moore commented this is the first one in the state. Commissioner Flaig moved, seconded by Commissioner Brewer, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AN AGREEMENT WITH OPENGOV TO PROCURE A NEW FINANCE AND ACCOUNTING SOFTWARE PACKAGE. Jeff Earlywine commented this will upgrade our existing GL package. Microsoft had a public announcement indicating that Internet Explorer will no longer be supported after June 2022. Our current system cannot run on any other platform. The cost to migrate is \$194,000, one time cost. The maintenance fee will be \$159,5000 flat for 5 years. They have a good understanding of government finances. Angela Langston and Scott Williams with OpenGov were in the audience to answer any questions. Jeff Earlywine clarified that the purchase would require a budget line-item transfer. They will be on site next week. Commissioner Flaig moved, seconded by Commissioner Brewer, 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, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AN AGREEMENT WITH KYTC FOR RELEASE OF FEDERAL SNK GRANT CONSTRUCTION FUNDS FOR A MULTI-USE PATH ALONG KY 237 FROM STEPHENS ELEMENTARY TO KY 20. Rob Franxman reported this project started in 2017 with OKI federal funds. Public works will advertise the project when agreement is executed. 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 VIII.**

**FISCAL MATTERS**

- A. Commissioner Brewer moved, seconded by Commissioner Kenner, to Invoice Report dated November 9<sup>th</sup>, 2021, pre-paid invoice reports dated November 4<sup>th</sup>, 2021, and October 28<sup>th</sup>, 2021, and special invoice reports dated October 27<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Flaig moved, seconded by Commissioner Kenner to approve Golf Invoice Report dated November 9<sup>th</sup>, 2021, pre-paid invoice reports dated November 4<sup>th</sup>, 2021, and October 28<sup>th</sup>, 2021, and special invoice reports dated October 27<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ANNUAL STANDING ORDER TO PRE-APPROVE CERTAIN RECURRING EXPENSES FOR FY 2021-22. 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).
- D. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve Treasurer's Report, Inter-fund Transfers and Financial Statements for the Three-Month Period Ending September 30, 2021. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

**ITEM IX.**

**OLD BUSINESS**

Judge Moore asked if there was any Old Business to come before the Court, none presented.

**ITEM X.**

**NEW BUSINESS**

Judge Moore asked if there was any New Business to come before the Court, he announced the infrastructure bill passed by Congress. The money will be passed out to states for roads, bridges, safety, transit, airport and transportation projects. This is a five year bill with 4 billion being distributed by the budget committee. The money will flow through the states and Department of Transportation.

Rob Franxman reported the Household Hazardous waste event went well. There were 3,000 cars and the event started early at 8am. There were 300 volunteers that conducted a safe event.

David Whitehouse in the audience, reported the annual Jack-O-Lantern Walk went very well, there were 625 pumpkins that were carved, and 1,750 people attended the event.

David Whitehouse announced Boone County Parks won the Kentucky Parks & Recreation Department of the Year, Class 4 Community.

**ITEM XI.**

**ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Brewer moved, seconded by Commissioner Kenner, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0).

**NEXT FISCAL COURT MEETING – Tuesday, November 23<sup>rd</sup>, 2021 at 5:30pm**

**ANNOUNCEMENTS**


The Annual Holiday Tree Lighting will be on Saturday, December 4<sup>th</sup>, 2021 from 4pm-7pm, at the Burlington Commons. Tree lighting will be at 6:30pm.

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**CLERK CERTIFICATION**

The Fiscal Court Clerk does hereby certify that this is a true and accurate record of the actions taken during the Boone County fiscal Court meeting of November 9<sup>th</sup>, 2021.

Date: 11/23/21

  
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Fiscal Court Clerk