

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**March 13, 2018**  
**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  
Scott Pennington, County Engineer  
Benjamin T. Reece, Treasurer  
Lori Zombek, Director of Human Resources  
Col. Les Hill, Sheriff Department  
Sharon Burcham, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

A. Judge Moore presented the Minutes from the February 27, 2018 Fiscal Court Meeting for approval. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Minutes from the February 27, 2018 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, MOTION PASSED AYE 4-0.

**ITEM III.**

**PRESENTATIONS**

A. Judge Moore introduced Mr. Mark Jacobs, from the Boone County Conservation District. He shared slides of watershed plans for Woolper Creek, Allen Fork, Gunpowder Creek and YMCA wetland, South Fork and examples of storm water improvements around Gateway College. Susan Brown, Education Specialist was also in attendance. Judge Moore thanked Mr. Jacobs for his presentation.

**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 APPROVING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL NEW HIRES FOR GROUND MAINTENANCE AT THE BOONE COUNTY GOLF COURSES. Lori Zombek, Director of Human Resources, commented these are seasonal workers for the greens and grass mowing and will receive no benefits. 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.

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 APPROVING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL EMPLOYEES FOR CONCESSIONS, AT THE BOONE COUNTY GOLF COURSES. Lori Zombek, Director of Human Resources, stated we are gearing up for the summer months with our seasonals. Judge Moore stated these positions save the County money while providing an opportunity for students. 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.

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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 AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE EXECUTIVE, OF JESSICA CANDIA TO THE PART-TIME POSITION OF HUMAN RESOURCES CLERK. Lori Zombek, Director of Human Resources, stated this position involves the re-organization of the Human Resources Department; this candidate is from Kenton County.

Jeff Earlywine, County Administrator, asked the Court to move to Item VII. C. before voting on this position. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AMENDMENTS TO THE JOB DESCRIPTIONS FOR THE POSITIONS OF RISK MANAGER AND HUMAN RESOURCES CLERK AND THE CREATION OF A NEW POSITION ENTITLED ACCOUNTING MANAGER ALL WITHIN THE HUMAN RESOURCES AND FINANCE DEPARTMENTS. Jeff Earlywine, County Administrator, explained this Resolution amends several job descriptions. There is a need in the HR and Finance departments. We will be changing a position in HR to meet a need in Finance. Judge Moore asked if these new positions would impact the budget. Jeff Earlywine responded that adequate funds are available within the FY2018 budget. Commissioner Flaig asked when the new positions would begin, Lori Zombek, responded it would take 6 to 8 weeks for the interview process. Commissioner Walton moved, seconded by Commissioner Kenner, to approve Item VII. C. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

Judge Moore then called for a Motion for Item IV. C: Commissioner Walton moved, seconded by Commissioner Flaig, to approve Item VII. C. 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 IV. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE OF MICHAEL KELLY TO THE POSITION OF TECHNICIAN FOR THE PROPERTY MAINTENANCE DEPARTMENT. Lori Zombek, Director of Human Resources, stated this candidate comes to us from Big Bone State Park and he is a journeyman plumber. 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.

E. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENTS, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF KENNETH LOCKE AND DAVID HOLTEN TO THE SEASONAL POSITION OF 911 DISPATCHER FOR THE PSCC DEPARTMENT. Lori Zombek, Director of Human Resources, stated this is a new strategy to use seasonal positions to fill our call center as they are already experienced. 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.

F. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. F: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE PROMOTION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CODY THACKER TO THE POSITION OF TRUCK DRIVER/EQUIPMENT OPERATOR FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this candidate has worked for the County for 5 years. 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.

G. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. G: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL MAINTENANCE EMPLOYEES FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated these are seasonal positions for the Parks Department with no benefits. Commissioner Kenner moved, seconded by Commissioner Walton, 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 record the First Reading of Item V. A: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT AMENDING ORDINANCE 14-01, ORIGINALLY ADOPTED ON JANUARY 7, 2014 AND AMENDED WITH ORDINANCE NO.'S 2017-18, ADOPTED ON OCTOBER 3, 2017 AND 2017-27, ADOPTED ON DECEMBER 19, 2017, BY AMENDING THE PENALTY PROVISIONS STIPULATED IN SECTION 112.99. Judge Moore explained this Ordinance is for the Keg Law and asked County Attorney Bob Neace to explain. Mr. Neace stated originally this was a Class B misdemeanor and we want to change it back to a Class B misdemeanor. Judge Moore stated this is the First Reading and asked if the Court had any questions. Commissioner Flaig asked what the punishment was, Bob Neace responded, 90 days or \$250 fine. Judge Moore announced the Second Reading would be April 10<sup>th</sup>.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF THE DREES COMPANY C/O MIKE SCHOETTELKOTTE (APPLICANT) FOR THE DREES COMPANY (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONE FOR A 55.242 ACRE SITE LOCATED ON THE NORTH SIDE OF THORNWILDE DRIVE, ACROSS FROM THE THORNWILDE DRIVE/SOUTHCROSS DRIVE INTERSECTION, AND ON THE EAST SIDE OF WILLIAMS ROAD, TO THE NORTH OF THE THORNWILDE DRIVE/WILLIAMS ROAD INTERSECTION, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO ALLOW SINGLE FAMILY DETACHED RESIDENCES. Judge Moore explained the original request was for multi-family dwelling. Jeff Earlywine, County Administrator, commented this project began in 1997 originally approving up to 175 condos. The developer has changed the design to be 78 single-family homes with 3 conditions. Judge Moore asked if there were any questions from the Court, none presented. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

**ITEM VI.**

**JUDGE'S REPORT**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF JAMES FERGUSON BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE BOONE COUNTY PVA ASSESSMENT APPEALS BOARD. Judge Moore commented Mr. Ferguson is a realtor and explained the process of the Assessment Appeals Board stating a member should understand the value of property. Judge Moore also thanked Rod Fussinger for her service as his term had expired. 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.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF DAN KREKE AS AN ALTERNATE TO THE BOONE COUNTY BUILDING INSPECTOR APPEALS BOARD. Judge Moore stated this is a re-appointment. 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.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF DOUGLAS HODNETT TO FILL THE UNEXPIRED TERM OF ERIC WOLFF TO THE BOONE COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES. Judge Moore stated that Mr. Hodnett was present and was recommended by the Library. He is a small business owner with an impressive resume. 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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**ITEM VII.**

**ADMINISTRATIVE MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR REPLACEMENT OF CERTAIN HV/AC EQUIPMENT IN THE COUNTY ADMINISTRATION BUILDING TO DEBRA-KUEMPEL, INC. Matthew Webster, Assistant County Administrator, explained the compressor unit for the Administration Building failed last summer and was running on an emergency generator. An Engineer found 1 compressor had failed and another was beginning to fail. We need to replace both units and perform minor upgrades to the system. This is a budgeted item. We put out bids and received 2 responses. The Engineer estimate was \$80,000 and we received a low bid of \$65,831. 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.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AND ACCEPTING TERMS OF A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$1,000,000.00 FOR THE CONSTRUCTION OF THE EVERGREEN-RIDGEVIEW SANITARY SEWER PROJECT. Judge Moore stated this grant is through the Department of Local Government which required many trips to Frankfort by the staff. This sewer project will eliminate failing septic tanks for the Evergreen/Ridgeview area. The residents had contacted Commissioner Walton to start the process. Commissioner Walton stated the resident that had lived in the area over 40 years has since passed. Judge Moore stated Governor Bevin announced awarding the Grant. Judge Moore also thanked Dennis Elrod for his contribution and the assessments of the homeowners. Jeff Earlywine, County Administrator, commented this is a \$2.1M project for over 100 homes. \$1M grant money is for capital construction the County will provide \$175,000 for engineering and design work with a \$200,000 capital outlay. We will finance \$900,000 through long-term loans to all residents; the project will go out to bid in 6 months. Thank you to Dennis Elrod for writing the Grant and going door to door. Judge Moore recognized Dennis' work on the project and stated it could not happen without all the partners. Dennis Elrod stated the Grant includes all the tap fees and removal of all out-of-service septic tanks. SD1 will provide construction inspection and easements at no cost. Approval should be complete by late April. Judge Moore asked if there were any questions. Commissioner Flaig asked when SD1 would take over, Judge Moore responded, SD1 will do the billing. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Commissioner Walton recused from voting since he owns property within the project limits area. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0 with 1 recusal.

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 AWARDING THE BID FOR CONTRACT MOWING SERVICES TO VARIOUS VENDORS AND ALTERNATES FOR PUBLIC WORKS AND THE PARKS DEPARTMENT. David Whitehouse, Director of Parks, stated the County bid mowing 3 years ago and it was agreed the County saves money by using contractors. We had 8 bidders and we added new tracts to be mowed. Jeff Earlywine, County Administrator, stated that an amended bid has been submitted to the Court because 1 bidder contacted the County today and stated they will not honor their bid. We have selected the next low bidder. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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 APPROVING AND CERTIFYING THE ACQUISITION OF RIGHT OF WAY AND CONSTRUCTION EASEMENTS ASSOCIATED WITH THE LONGBRANCH ROAD RE-CONSTRUCTION PROJECT. Scott Pennington, County Engineer, stated this covers the widening of Longbranch Road around the Cooper High School campus to purchase right-of-way. It is complete except 2 owners. Judge Moore commented this will improve the walkability around the school campus. 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.

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F. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. F: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT OFFICIALLY RENAMING THE BOONE COUNTY HISTORIC COURTHOUSE AS THE FERGUSON COMMUNITY CENTER. Judge Moore stated this will be a community event to invite the family in honor of Bruce Ferguson. Matthew Webster, Assistant County Administrator, commented the County has been working with the family to honor Judge Ferguson. The event will take place on Tuesday, April 10<sup>th</sup> at 3:00 before the Fiscal Court meeting. 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. Judge Moore presented the Invoice Report dated March 13<sup>th</sup>, 2018 and pre-paid Invoice Reports dated March 1<sup>st</sup> and March 8<sup>th</sup>, 2018. 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.

B. Judge Moore presented the Golf Invoice Report dated March 13<sup>th</sup>, 2018 and a pre-paid Golf Invoice Reports dated March 1<sup>st</sup> and March 8<sup>th</sup>, 2018. Commissioner Walton 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

Judge Moore reminded the audience that OpenGov.com is available to review finance entries.

**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. Mr. Joe Kalil presented a Resolution to the Court regarding the proposed POST program intended to improve safety as our schools. Judge Moore asked if the School Board would be meeting concerning this Resolution. Commissioner Walton stated he is concerned with the safety of our schools. Commissioner Flaig commented. Judge Moore shared that SROs have been added to elementary schools. Commissioner Kenner commented. Judge Moore asked the Court what it's pleasure was, suggesting that if action was contemplated, we should only focus on the requested action and not all of the recitals and supporting information. 2 members of the audience commented. Judge Moore asked the Court if a vote was needed. Commissioner Walton moved to accept the last paragraph of the Resolution as read by Judge Moore, Commissioner Flaig seconded the Motion. Judge Moore called for a vote on the Motion, ALL PRESENT VOTING AYA 4-0.


Judge Moore announced the next meeting of the Fiscal Court will be Tuesday, March 27<sup>th</sup>, 2018 at 5:30 P.M.

**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.

**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 during the Boone County Fiscal Court meeting of March 13<sup>th</sup>, 2018.

  
\_\_\_\_\_  
Fiscal Court Clerk

Date: 28 Mar 2018