

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
July 23, 2019
5:30 P.M.

ITEM I.

CALL TO ORDER

- A. Judge/Executive 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.

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 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
Maj. Gary Peace, Sheriff Department
Sharon Burcham, Fiscal Court Clerk

ITEM II.

APPROVAL OF MINUTES

A. Judge Moore presented the Minutes from the July 9th, 2019 Fiscal Court Meeting for approval. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Minutes from the July 9th, 2019 Fiscal Court Meeting, with no changes or corrections. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

ITEM III.

PRESENTATIONS

Judge Moore announced that this Fiscal Court meeting would be the last Meeting for Scott Pennington, our Engineer, as he is retiring. Judge Moore publically thanked Scott for his years of service.

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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MEGAN NIELANDER AS A SEASONAL EMPLOYEE FOR CONCESSIONS AT THE BOONE COUNTY GOLF COURSES. Lori Zombek, Director of Human Resources, stated this position is open due to the turnover of students returning to school. 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 Item IV. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF STEVEN OBANION AND CAMERON ENDA AS SEASONAL MAINTENANCE STAFF FOR THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore stated these are more seasonal positions. Commissioner Brewer 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 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, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF DREES COMPANY - MATT MAINS (APPLICANT) FOR AYLOR INVESTMENTS LIMITED PARTNERSHIP, RAYMOND O. GODSEY, JR., AND AKIN & MILLER LAND DEVELOPERS (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR A 41.8424 ACRE SITE LOCATED ON THE EAST SIDE OF OLD NORTH BEND ROAD, APPROXIMATELY 220 FEET SOUTH/SOUTHEAST OF THE BRITT DRIVE/OLD NORTH BEND ROAD INTERSECTION, TO THE NORTH AND EAST OF THE PROPERTIES AT 1820 AND 1828 OLD NORTH BEND ROAD, AT THE TERMINUS OF CARDINAL WAY AND GRANDVIEW DRIVE, AND INCLUDING APPROXIMATELY 8.1 ACRES IN THE NORTHEAST PORTION OF THE 10.987 ACRE TRACT AT 1846 OLD NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW DETACHED SINGLE FAMILY RESIDENCES, ATTACHED RESIDENTIAL CONDOMINIUMS, AND TOWNHOUSES. Todd Morgan, Senior Planner for Planning Commission presented slides of the project. The project was approved by Planning Commission 11 -1 with conditions. Judge Moore stated the 2nd reading will be August 27th. Commissioner Brewer and Commissioner Kenner asked questions, Todd Morgan responded. Discussion about traffic, pedestrian connection and walkability.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF AL NEYER, LLC C/O RYAN REARDON, VICE PRESIDENT - REAL ESTATE DEVELOPMENT (APPLICANT) FOR KENTON COUNTY AIRPORT BOARD C/O CANDACE MCGRAW AND KATHLEEN UTZ AS TRUSTEE OF THE CHARLES AND KATHLEEN UTZ REVOCABLE TRUST C/O GLENN UTZ (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND COMMERCIAL ONE (C-1) TO INDUSTRIAL ONE (I-1), AND VARIANCES FROM SECTION 3645 "BUFFER YARDS" OF THE BOONE COUNTY ZONING REGULATIONS, FOR A 45.6294 ACRE SITE LOCATED ON THE NORTH SIDE OF PETERSBURG ROAD, ACROSS FROM THE PETERSBURG ROAD/HETZEL DRIVE INTERSECTION, AND ON THE EAST SIDE OF RIVERVIEW DRIVE, APPROXIMATELY 300 FEET NORTH OF THE PETERSBURG ROAD/RIVERVIEW DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY. Kevin Wall, Zoning Administrator, presented slides with a review of the conditions. Commissioner Flaig asked a question, Mr. Ryan Reardon of Neyer responded. Scott Pennington, County Engineer, explained the pavement analysis and requirements. Kevin Wall explained the future update on the zoning code. Judge Moore stated the 2nd reading will be August 27.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. C: AN ORDINANCE OF BOONE COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY DURO HILEX POLY LLC UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Jeff Earlywine, County Administrator, explained this company is also known as Duro Bag off Empire Drive. They will provide 80-100 new jobs with an average salary of \$33/hr. with a \$4.3M capital investment. They will received .04 OL tax credit. Judge Moore stated the 2nd reading will be August 27th.

D. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. D: AN ORDINANCE RELATING TO THE USE OF GOLF CARTS ON CERTAIN DESIGNATED COUNTY STREETS AND ROADWAYS Judge Moore stated this Ordinance puts structure in place for communities to fit into the new Ordinance for permission to drive golf carts on designated streets. Commissioner Flaig asked a question, Judge Moore responded. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Ordinance. 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 the First Reading of Item V. E: AN ORDINANCE RELATING TO THE AMENDMENT OF BOONE COUNTY FISCAL COURT ORDINANCE 100.1, PASSED SEPTEMBER 27, 1994, BY REPEALING IN ITS ENTIRETY SECTIONS ENTITLED "PERSONNEL POLICIES" (CODIFIED AS CHAPTER 34 OF THE COUNTY'S CODE OF ORDINANCES), "PROCUREMENT PROCEDURES" (CODIFIED AS CHAPTER 38 OF THE COUNTY'S CODE OF ORDINANCES), AND "FINANCE AND REVENUE" (CODIFIED AS CHAPTER 39 OF THE COUNTY'S CODEBOOK) AND EFFECTUATING CERTAIN AMENDMENTS TO THE SECTION ENTITLED "COUNTY POLICIES" (CODIFIED AS CHAPTER 37 OF THE COUNTY'S CODEBOOK. Jeff Earlywine, County Administrator, explained this is a housekeeping item to clean up our Code Book, to repeal obsolete language and keep the Code up to date. 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.

F. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. F: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, THE REQUEST OF FRANK FUGATE AND TAMMY STANDBURY (APPLICANTS) FOR SCHLEPER DEVELOPMENT CORPORATION (OWNER) FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL ONE (I-1) TO URBAN RESIDENTIAL TWO (UR-2) FOR A 7.8183 ACRE TRACT LOCATED ON THE SOUTHEAST CORNER OF THE SOUTHPARK DRIVE/CONTINENTAL WAY INTERSECTION, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW A SENIOR INDEPENDENT LIVING DEVELOPMENT. Jeff Earlywine, County Administrator, stated this project is a 96 unit Senior facility and has two conditions of approval. Judge Moore asked if there was anyone present with questions, 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.

G. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. G: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, THE REQUEST OF TERRY CRIGGER (APPLICANT) FOR CHRIST'S CHAPEL ASSEMBLY OF GOD (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (RSE/PD/HDO) AND INDUSTRIAL ONE/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (I-1/PD/HDO) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (PF/PD/HDO) FOR AN APPROXIMATE 13 ACRE SITE LOCATED AT 3819, 3837 AND 3845 TURFWAY ROAD, BOONE COUNTY, KENTUCKY. Judge Moore explained this project is for a school to be added to a Church facility. Judge Moore asked if there was anyone present with questions, none presented. Commissioner Kenner moved, seconded by Commissioner Flaig, 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, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SANDRA GALLANSTEIN TO THE PROPERTY TRUSTEE POSITION FOR THE POINT PLEASANT FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. Judge Moore explained this person is on the Board as a property owner and since no one cast votes in the recent election it was now necessary to fill a vacant property owner seat. She wants to continue to serve. 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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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 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOONE COUNTY FISCAL COURT AND THE SANITATION DISTRICT #1 TO FACILITATE THE DEVELOPMENT OF STORM WATER MANAGEMENT MITIGATION CREDIT ACCEPTANCE/REDUCTION METHODOLOGY. Jeff Earlywine, County Administrator, stated this is a two page Agreement for a partnership between the County and SD1 to design and demonstration project intended to present stream mitigation options for urban areas, hopefully accompanied by project funding. There is a \$25,000 limit for a single project. Judge Moore stated the Homebuilders Association is in favor. Commissioner Flaig and Commissioner Brewer asked questions, Judge Moore responded. 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.

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 AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO RENEW AN EXISTING ANNUAL AGREEMENT WITH OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS (OKI) FOR THE PURPOSE OF PROVIDING FUNDING FOR THAT ORGANIZATION FOR FY2019-20. Judge Moore explained that eight counties are involved with this organization. The formula has not changed and it is determined by population. This is the only funding source for OKI. 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.

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 AFFIRMING THE EXISTENCE AND LEGAL STANDING OF THE BELLEVIEW MCVILLE FIRE PROTECTION DISTRICT. Jeff Earlywine, County Administrator, stated the Belleview Fire District is trying to locate their charter documents and requested assistance from the County to affirm their legal standing. 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

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 THE CONSTRUCTION OF THE NORTH POINTE NEIGHBORHOOD PARK TO PERKINS/CARMACK CONSTRUCTION, INC., AT THE BID PRICE OF \$398,000.00. Jeff Earlywine, County Administrator, stated that North Pointe Park is five acres that was donated by Arlinghaus Builders. David Whitehouse, Director of Parks, explained the items that will be installed for the park, walking trails, playground equipment, parking lot, a bridge, landscaping, fencing and a shelter. Commissioner Flaig and Commissioner Brewer asked questions, David Whitehouse responded. 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 VII. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING SOIL NAIL WALL REPAIR OF SLIDE AREAS FOR 5002 AND 5084 WATERLOO ROAD BY GEOSTABILIZATION INTERNATIONAL, LLC (GSI) AT THE TOTAL PRICE OF \$193,882.00. Scott Pennington, County Engineer, stated the slides will be repaired from the special budget line-item appropriation. Judge Moore asked a question about emergency funds, Scott responded. 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.

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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 ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN BOONE COUNTY FISCAL COURT AND THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS IN THE AMOUNT OF \$120,000.00 FOR THE RESURFACING/WIDENING OLD LEXINGTON PIKE PROJECT. Jeff Earlywine, County Administrator, stated the Cabinet provided funds for this project due to the construction of the new interchange at Richwood and I-75. 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.

G. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. G: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID TO WATSON CONSOLES FOR EIGHT DISPATCH FURNITURE WORKSTATIONS AND RELATED EQUIPMENT FOR THE 911 DISPATCH CENTER AT THE TOTAL BID PRICE OF \$116,702.50 FOR PSCC. Jim Staverman, Director of PSCC, stated three bids were received for new furniture for the Center. This also allows for the new equipment being installed along with the new radio project. 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 July 23rd, 2019 and a pre-paid Invoice Report dated July 17th, 2019 and an Addendum for an additional expense. Commissioner Kenner moved, seconded by Commissioner Brewer to approve the Invoice Reports along with the addendum. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

B. Judge Moore presented the Golf Invoice Report dated July 23rd, 2019 2019 and a pre-paid Golf Invoice Report dated July 19th, 2019. Commissioner Kenner moved, seconded by Commissioner Brewer 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. Judge Moore asked if there was any Old Business to come before the Court, none presented.

ITEM X.

NEW BUSINESS

A. Judge Moore asked if there was any New Business to come before the Court. Mr. Hap Walton of Tanners Lane in Hebron addressed the Court with concerns of water coming down Tanners Lane and eroding parts of his property.

ITEM XI.

ADJOURNMENT

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

NEXT FISCAL COURT MEETING - Tuesday, August 13th, 2019 at 5:30 P.M.

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CLERK CERTIFICATION

I, Sharon Burcham, 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 July 23rd, 2019.


Fiscal Court Clerk

Date: 14 Aug 2019