

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
August 27, 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. Judge/Executive Gary W. Moore 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
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 August 13th, 2019 Fiscal Court Meeting for approval. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the August 13th, 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

NOTICE OF SPECIAL HEARING

Judge Moore asked the Fiscal Court Clerk to read into the Record the Notice of Special Hearing: **Public Hearing Notice to Vacate Street Right-of-Way**. To all interested citizens of Boone County, Kentucky: Notice is hereby given that the Boone County Fiscal Court will hold a Public Hearing on August 27, 2019 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 8493-8391 Kroth Lane in Union (Unincorporated Boone County). All persons having interest in the proposed vacation are invited to appear and provide information and comment. For more information, please contact David A. Neff, Public Services Supervisor, Boone County Public Works at 859-334-3600. Judge Moore asked if there was anyone in the audience opposed or in favor of the vacation. David Neff, Public Services Supervisor, stated all necessary paperwork has been completed. Jeff Earlywine, County Administrator, explained the Right Of Way. Judge Moore declared the Special Hearing closed.

Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A pertaining to the Special Hearing: **A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST TO VACATE STREET RIGHT-OF-WAY OF 8493-8391 KROTH LANE IN UNION, UNINCORPORATED BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE VIEWING COMMITTEE**. 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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A. SPGE House Bill #1 Presentations:

1. Judge Moore introduced Chief David Jones - Verona Fire Protection District. Mr. Greg Palmer, Treasurer was also present. Chief Jones stated the last tax increase was 2006. They serve 39 square miles covering parts of Boone, Gallatin and Grant counties. Mr. Palmer stated new equipment needed created an increase in expenses and the purchase of new radios. They are planning to levy a tax rate of 19.2/\$100. Judge Moore had Chief Jones introduce his Board members that were present. Judge Moore thanked them for their service.

2. Judge Moore introduced Chief Tony Scheben – Hebron Fire Protection District. Chief Scheben stated they cover 42 square miles, have an ISO rating of Class 2. They need to replace an aerial truck and are proposing their tax rate to remain at 12.1/\$100 for real property but applying an increase to 18.5/\$100 for tangible property.

3. Judge Moore introduced Carrie Hermann, Director of the Boone County Public Library. Carrie stated the new Hebron branch was opened on July 29th. They received an award at NACo for the Best Project. They are proposing their tax rate at 5.1/\$100 and the same rate for personal property. Judge Moore asked how many library cards they had out, Carrie responded 78,000 cards. Judge Moore thanked her for her 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 BYRON "TODD" DORMAN TO THE POSITION OF BUILDING INSPECTOR FOR THE BOONE COUNTY BUILDING DEPARTMENT. Lori Zombek, Director of Human Resources, stated this is a new position that was planned in the Budget. This applicant has experience in home construction. 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.

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 KEN POINTS TO THE FULL-TIME POSITION OF ENGINEERING SERVICES SPECIALIST FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this applicant has experience in construction, landscaping and project management. 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.

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 MICHAEL NORCIA TO THE FULL-TIME POSITION OF ENGINEERING SERVICES SPECIALIST FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this applicant has worked for the County as a seasonal and is moving to full-time. 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.

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 CRAIG ELSTUN AND LISA REDWINE AS SEASONAL EMPLOYEES FOR CONCESSIONS AT THE BOONE COUNTY GOLF COURSE. Lori Zombek, Director of Human Resources, stated this position is to fill the openings due to students going back to college. 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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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, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY BORDERLESS DISTRIBUTION, LLC., UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100). Jeff Earlywine, County Administrator, stated this is an economic development project. The submitted under the name if IServe and are re-submitting under the name Borderless Distribution. They are located on Wright Boulevard, with a capital investment of \$4.2M, 100 new jobs with a pay scale of \$31,000 annually. Judge Moore stated the Second Reading will be September 24th.

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, 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. Judge Moore explained this project was passed by 11-1 vote with approval from the Planning Commission. Judge Moore asked if there was anyone in the audience opposed to the project that wanted to speak:

1. Mr. Justin Reinhart, Britt Drive, asked about vegetation area. Jeff Earlywine, responded.
2. Charles Patton, 2337 Brandon Court, asked about the process of the Planning Commission.
3. Mr. Bill Sander, 225 Britt Drive, expressed concern of density and number of cars
4. Dr. Kathy Noyes, entrance/exit to streets and safety
5. Mr. Justin Reinhart – Britt Drive, asked about safety and liability of fires
6. Ms. Barbara Jacobson, 2364 Brandon Court, safety and quality of life
7. Ms. Joann Alenna, 1718 Brandon Drive, this is not the right time for this development
8. Ms. Carol Sherman-Jones, 2288 Britt Drive, concerns of safety

Judge Moore then asked if anyone for the Applicant wished to speak:

1. J. J. Miller – Developer, stated the comprehensive plan already approved this project, it is a better project than the one previously approved.
2. Mr. Matt Maines, Drees, stated this is justification of rezoning.
3. Mr. Hap Walton from the audience asked a question regarding drainage, Mr. Maines responded.

Judge Moore stated this is the Second Reading which is the final reading before the 90 day time limit ends. Commissioner Flaig stated it is a better plan than then first plan, the Owners have a right to sell their property.

Discussion with Court members followed. Judge Moore asked to address the conditions of approval to enhance the project. Discussion followed regarding entrances, sidewalks and phasing in number of homes constructed until the new Graves Road interchange was completed. Commissioner Brewer asked the number of permits approved and the apartment language as to whether or not a developer could put in apartments if approved. Judge Moore responded there would be no changes in the plan unless it goes back through the Planning Commission.

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Judge Moore asked for discussion about the 42 units being too many until the Graves Road Interchange is open, multiple access points to the development including Cardinal Cove and opening Old North Bend Road with a slip lane into the development that would be one way in, giving a third access to the property. The County Staff did talk to District Engineer and that is something the State will review and consider.

Judge Moore asked for a Motion to consider the approval of the development. Judge Moore made the Motion to begin the process of dealing with the planned development and accept the recommendation of the Planning Commission. Commissioner Flaig seconded the Motion. Judge Moore stated with 42 units until Graves Road Interchange opens is too many, schools need phasing as well. We now have 42 approved as a responsible number. Commissioner Flaig stated her number is sixteen (16). Judge Moore explained the construction of Graves Road being fast tracked. Mr. Meyer from Drees stated 16 is too extreme, 24 or 25 to start would be difficult, because we do have buyers interested. Commissioner Flaig stated we only want to slow down Phase 1. Commissioner Kenner and Mr. Meyer discussed a number to agree upon, Mr. Meyer suggested 30 per year with grading and construction next spring and summer. Commissioner Brewer asked a question regarding number of bedrooms, Mr. Meyer responded that the traffic study has been completed and history shows less bedrooms in this development. Judge Moore stated we need a number that the applicant agrees to, is there a Motion for a number of units per year until the Graves Road Interchange is completed? Commissioner Brewer asked if zero was workable until the connection to Worldwide is made. Commissioner Kenner asked about move in dates, Mr. Meyer responded construction will start 2020 with move in early 2021, it is not fair to ask the buyers to wait another year. Commissioner Kenner asked Mr. Meyer if he would be comfortable with the number of units at 32. Judge Moore stated with early 2021 for occupancy? Judge Moore stated Commissioner Kenner made the amendment to construct 32 units per year, is there a Second? No Second was stated, is there another Motion? Commissioner Brewer asked if the number zero would be acceptable until the connection to Worldwide is complete. Mr. Meyer from Drees stated they would accept less than 30 but not zero. They have contracts with buyers to move forward. We could go with 30, there will not be any houses until the year 2021 and Graves Road will be moving forward by then. Judge Moore stated the project will be grading, putting in water and sewer asking if 30 units the first year then 20 units each year until Graves Road connects to Worldwide would be acceptable. There would still be a maximum annual cap of 42 units. Judge Moore stated that the schools agreed to the 42 total units.

Judge Moore made the Motion to phase in 30 units in first year of 2020 then 20 units each year after until Graves Road interchange is open. The total number of 42 units per year stays in place. Commissioner Kenner seconded the Motion to reduce the number to 30 units a year in first year to 20 units each year thereafter until the connection to Worldwide. Judge Moore asked for a vote, 2 – 2 was the vote. The Motion did not pass. Judge Moore stated we have to come up with a number or it stays at 42.

Discussion about sidewalks follows: Drees agreed to construct a sidewalk from Old North Bend Road on 237 to Cardinal Cove and make a connection to the Library property if agreed to by the Library.

Commissioner Brewer asked if a Motion is passed to restrict phasing in and the overall Motion deadlocks what happens to the original amendment. County Attorney Robert Neace responded, it all dies.

Judge Moore asked to discuss the connection to Cardinal Cove. The final phase is potentially five years from now. Discussion was had regarding the on street parking. Judge Moore stated it would be addressed by Traffic Safety Committee upon completion. Judge Moore asked to amend the development allowing connection to Cardinal Cove when final phase is built upon approval of the County Engineer. Commissioner Brewer asked if approval could come back to Fiscal Court to make the decision. Commissioner Brewer made a Motion, to amend keeping the option to re-connect the Cardinal Cove access to be approved by Fiscal Court when the final phase is completed. Commissioner Flaig seconded the Motion. Mr. Meyer from Drees agreed to that proposal. Judge Moore called for a vote on the Motion, Motion passed 4-0.

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Judge Moore asked, Commissioner Flaig made the Motion to apply to the State to create a slip road onto Old North Bend Road. Commissioner Kenner seconded the Motion. Judge Moore called for a vote on the Motion, all voting 4 – 0.

Judge Moore asked about the phasing number. Commissioner Flaig suggested the number twenty (20). Judge Moore stated 20 units per year until the Graves Road Interchange is open? Mr. Meyer from Drees asked for 26 per year until Graves Road interchange is open then 42. Commissioner Kenner made the Motion to 20 per year until Graves Road interchange is open then 42 per year. Commissioner Flaig seconded the Motion. Judge called for a vote, all voting 3 – 1, Commissioner Brewer voted against.

Jeff Earlywine asked a review of the Conditions as discussed and voted upon:

#2 related to a cap on the annual number of building units for Condition No. 2(B) which is 26 units per year until the Graves Road Interchange is open then 42 units per year thereafter with no more than 112 unit, that will be flushed and the number 26 per year the first year then 42 per year, that is the amendment on Condition #2.

#6 relates to sidewalks, strike the Planning Commission condition and it will be completed by the developer.

A new #9 is proposed emergency access to Cardinal Cove may require modification to full access upon completion of Phase 5 subject to final approval by the Fiscal Court.

The slip lane off 237 is not a condition of approval, with no requirement by the developer. The County will need to pursue action from KYTC. Judge Moore agreed to the stated conditions.

Judge Moore made the Motion to approve recommendation of Planning Commission with additional conditions as stated. Mr. Meyer from Drees agreed to the conditions. Chief Tony Scheben from Hebron asked a question regarding the Cardinal Cove entrance. Judge Moore responded there will be access as it is today until Phase 5 is completed, then the Court will decide whether to request a full connection or not. Commissioner Flaig seconded the Motion to approve the Ordinance with the stated conditions. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-1. Commissioner Brewer voted against the Motion.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. C: 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. Judge Moore asked if there was anyone present in opposition to this Ordinance, with no response. Jeff Earlywine, County Administrator, stated this was a unanimous vote from the Planning Commission with 8 conditions that have been approved by the developer. Ryan Reardon from Neyer was present and stated there are no changes, waiting on final encroachment permit on Route 20. 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.

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D. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. D: 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, stated this business is located on Empire Drive, also known as Duro Bag. The planned on \$4.3M in capital improvements, offering 173 jobs with an average salary of \$33/hr. Actual spend was \$12M in capital improvements. 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.

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 RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF LEWIS DIAZ AS THE CITIZEN REPRESENTATIVE TO THE NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT BOARD OF DIRECTORS. Judge Moore stated Mr. Diaz is the Chairman of this Committee. 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.

ITEM VII.

ADMINISTRATIVE MATTERS

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 SOIL NAIL WALL REPAIR OF SLIDE AREAS FOR MINEOLA PIKE, RYLE ROAD, CATLETT ROAD, BOTTS LANE, WILLIAMS ROAD AND EASTON LANE BY GEOSTABILIZATION INTERNATIONAL, LLC (GSI) AT THE TOTAL PRICE OF \$1,013,368.82. Jeff Earlywine, County Administrator, stated these are active slide areas in need of repair. Commissioner Flaig asked a question, Jeff Earlywine responded. Commissioner Brewer asked a question, Jeff Earlywine 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.

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 AWARDED THE PRIMARY AND ALTERNATE BIDS FOR ASPHALT PAVING/MILLING FOR FISCAL YEAR 2019-20 TO SELECT VENDORS FOR THE PUBLIC WORKS DEPARTMENT. Jeff Earlywine, County Administrator, stated this is our annual paving program, the Budget provided for upgrade of the quality of subdivision streets. 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

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 AWARDED THE BID FOR MULTIPLE RECYCLING ROLL-OFF CONTAINERS AND A TRAILER TO PRO-TRAINER AT THE BID PRICE OF \$73,284.00 TO THE SOLID WASTE SERVICES DEPARTMENT FOR PUBLIC WORKS. Mike Wilson, Solid Waste Supervisor, stated they received a Grant for \$77,310.00 to help pay for these items. 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.

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 AWARDED THE BID FOR A MOBILE PAPER GRINDING SYSTEM TO BARRON ENTERPRISES AT THE BID PRICE OF \$61,500.00 FOR THE SOLID WASTE SERVICES DEPARTMENT AT PUBLIC WORKS. . Mike Wilson, Solid Waste Supervisor, stated they received a Grant for \$16,500.00 to help pay for these items. The County spends \$3,000 annually for paper shredding, this expense will be eliminated. 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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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 APPROVING AND AUTHORIZING THE COUNTY SIDEWALK PROGRAM FOR FISCAL YEAR 2020. Daniel Menetrey, Capital Projects Manager, stated sidewalk connections at various locations will total approximately 2 miles of sidewalk. It was budgeted at \$1M. Commissioner Flaig asked a question, Daniel responded. Commissioner Kenner moved, seconded by Judge Moore, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0 with one abstention by Commissioner Brewer.

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 APPROVING AND AUTHORIZING THE RIGHT-OF-WAY SERVICES FOR THE PROJECT AT LIMABURG ROAD AND KY #18 TO GRESHAM SMITH IN THE AMOUNT OF \$14,591.00. Daniel Menetrey, Capital Projects Manager, stated the project will improve traffic flow at this intersection. Judge Moore stated there is a Grant associated with this project that will provide 80% of the cost. 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.

H. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. H: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE ACQUISITION OF EIGHT (8) PRIVATE PROPERTIES LOCATED ALONG A SECTION OF RYLE ROAD AS PART OF A PLAN TO DISCONTINUE PUBLIC ACCESS AND COUNTY MAINTENANCE FOR THIS SECTION OF ROADWAY. Judge Moore thanked Jeff Earlywine for the extensive work on this project. Jeff Earlywine, County Administrator, stated the staff needed a solution to solve the instability of Ryle Road and a decision was made to close a middle section, consisting of twelve (12) property owners. Eight (8) property owners have signed Agreements for the County to purchase their homes. The cost is estimated at \$491,000 and has a budget of \$550,000. Commissioner Brewer asked a question, Jeff Earlywine responded. Bonnie Hoffman, of 13563 Ryle Road asked a question, Jeff Earlywine responded regarding legal access. County Attorney, Robert Neace, explained Right-of-Way. Mr. Gary Strange, owner of Lot #1, asked a question regarding safe passage. Jeff Earlywine responded. Mr. Horn of Ryle Road thanked the Court for the work that has been done for this project. 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.

I. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. I: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE COMMENCEMENT OF THE PROCEDURE REQUIRED FOR THE DISCONTINUANCE OF COUNTY MAINTENANCE AND PUBLIC USE FOR A PORTION OF RYLE ROAD AND THE APPOINTMENT OF A VIEWING COMMITTEE. Jeff Earlywine, County Administrator, stated a Viewing Committee will be appointed and Commissioner Flaig will be on the Committee. 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.

J. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. J: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ESTABLISHING THE 2019 AD VALOREM TAX RATES FOR BOONE COUNTY, KENTUCKY. Jeff Earlywine, County Administrator, presented slides with history and current data of the tax rate. Judge Moore commented about payroll tax. Commissioner Brewer made a Motion to change the tax rate presented for Real Property from 10.3¢ to 10.2¢ per \$100 and change the Tangible Property from 12.6¢ to 12.5¢ per \$100, Commissioner Flaig seconded the Motion. Commissioner Kenner moved, seconded by Judge Moore to approve the Resolution with the new changes. 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 August 27, 2019 and pre-paid Invoice Reports dated August 13th, August 15th, August 20th and August 22nd, 2019. Commissioner Kenner moved, seconded by Commissioner Brewer to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

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B. Judge Moore presented the Golf Invoice Report dated August 27th, 2019 and pre-paid Golf Invoice Reports dated August 13th, August 15th and August 22nd, 2019. Commissioner Kenner moved, seconded by Commissioner Flaig 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. Jeff Earlywine, County Administrator presented information relating to negotiations with Dutch Lions Group regarding development of Valley Orchard property. Dutch Lions advised the County there are too many obstacles and are not in a position to move forward with further negotiations.

Jeff Earlywine, County Administrator, asked to table the Citizen Satisfaction Survey Update on the Agenda. Commissioner Flaig moved, seconded by Commissioner Kenner to table the Update until a future meeting. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

ITEM X. **NEW BUSINESS**

A. Judge Moore asked if there was any New Business to come before the Court. Commissioner Brewer asked a question regarding the scoring of roads in the County. Jeff Earlywine, County Administrator, responded.

Jeff Earlywine, County Administrator, recognized Robert Neace, County Attorney, for his recognition from the State County Attorney's Association on winning the County Attorney of the Year Award.

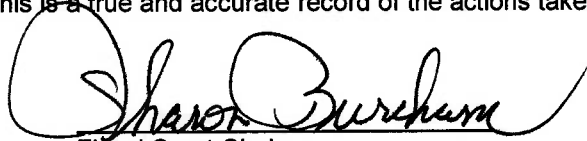
ITEM XI. **ADJOURNMENT**

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, September 10, 2019 at 8:30 A.M.

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 August 27th, 2019.


Fiscal Court Clerk

Date: 10 Sept 2019