

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**1st Floor, Fiscal Courtroom**  
**Burlington, Kentucky**  
**Tuesday, March 23, 2021**  
**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 A. 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  
Matthew H. Webster, Assistant County Administrator  
Robert Franxman, County Engineer  
Benjamin T. Reece, Treasurer  
Lori Zombek, Director of Human Resources  
Sharon Burcham, Fiscal Court Clerk

Judge Moore announced that the Court is still working through the Graves Road Ordinance and there will be no action taken tonight on that item. There will be a caucus meeting March 31<sup>st</sup> at 8:30 AM to continue to work through the conditions. The Ordinance will be on the Agenda on April 13<sup>th</sup>. Jeff Earlywine, County Administrator, stated according to changes made we could re-establish First Reading or have Second Reading.

**ITEM II.**

**Notice of Special Hearing**

A. Judge Moore asked the Fiscal Court to read into the record the Notice of Special Hearing: Notice is given that the Boone County Fiscal Court will conduct a Special Hearing on Tuesday, March 23, 2021 at 5:30 p.m., Boone County Administration Building, Fiscal Court Room, First Floor, Burlington, Kentucky. The Special Hearing will be to discuss Vacation of Right-of-Way for a segment of street right-of-way on Vesper Lane in Petersburg, unincorporated Boone County. No additional items are scheduled for consideration. The public is invited to attend this Hearing and enter comments on the record. Any person requiring a special accommodation to participate at this meeting is encouraged to contact the Boone County Fiscal Court offices in advance of the meeting. Robert Franxman, County Engineer presented the information on the right of way vacation. He stated there is no reason to maintain ownership by the County and there are no future connection points. Judge Moore asked if there was anyone in the audience to speak, Ms. Debra Davis and Ms. Ginger Estes stated they owned property at the old Jackson Road/Horsley Ferry Road and had a small business of horse rehabilitation. They claimed an easement of right of way through the Martin Marietta property. Mr. Jeremy Danders of 3862 Belleview Road also asked to keep the easement. Mr. Brad Oakley, Attorney for Martin Marietta stated the issue is for Vesper Lane only.

Judge Moore asked for a Motion to recess the Public Hearing until we reach that item on the Agenda at which time the Hearing could be reopened. Commissioner Brewer made the motion to recess the Public Hearing, seconded by Commissioner Kenner, to recess the Public Hearing. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

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**ITEM III. APPROVAL OF MINUTES**

Judge Moore presented the Minutes from the Fiscal Court Meeting of March 9<sup>th</sup>, 2021 for approval. Commissioner Flaig moved, seconded by Commissioner Brewer, to approve the Minutes from the Fiscal Court Meeting of March 9<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM IV. PRESENTATIONS**

A. Judge Moore announced the County will deliver high speed broadband to every household in Boone County. Matthew Webster, Assistant County Administrator, presented slides and information stating the County has lack of access to quality broadband. Jeff Earlywine, County Administrator, announced the partnership with Cincinnati Bell. Mr. Dave Kramer of Cincinnati Bell announced the Contract will provide broadband to 26,000 single family homes and 7,000 multi dwelling units within 24-36 months. Funding and partnerships were announced with Boone County and Walton-Verona School, Extension District and the Library. Mr. Matt Turner, Superintendent of Boone County Schools, Mr. Matt Baker, Superintendent of Walton Schools, Mr. Paul Donaldson from the Library Board and Carrie Herman, Director of the Library all pledged their support and spoke in favor of the project.

Judge Moore asked the Fiscal Court Clerk to read into the record Item VIII. A pertaining to the broadband project. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A MASTER AGREEMENT WITH CINCINNATI BELL TELEPHONE LLC., TO CONSTRUCT A HIGH SPEED BROADBAND INFRASTRUCTURE SYSTEM SERVING BOONE COUNTY. 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.

Judge Moore announced there will be a press conference tomorrow morning at 10:00 AM at Boone Links Clubhouse for the signing of the Contract.

**ITEM V. PERSONNEL MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item V. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF JUSTIN WHITE TO THE FULL-TIME POSITION OF SIGN SHOP TECHNICIAN FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item V. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MATTHEW SPRAY TO THE FULL-TIME POSITION OF TELECOMMUNICATOR FOR THE PSCC DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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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C. Judge Moore asked the Fiscal Court Clerk to read into the record Item V. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF NEW AND RETURNING SEASONAL PROGRAM LEADERS AND MAINTENANCE STAFF FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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 VI.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item VI. A: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF GREAT PROPERTIES, INC. (APPLICANT) FOR SMOKY ACRES, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO RURAL SUBURBAN ESTATES (RSE) FOR AN APPROXIMATE 45.1 ACRE PORTION OF THE APPROXIMATE 95.93 ACRE SITE LOCATED AT 9696 CAMP ERNST ROAD, BOONE COUNTY, KENTUCKY. Several people from the audience expressed safety concerns. Rob Franxman, County Engineer, stated safety requirements will be met regarding the curb cut and sight distance at the access point. Mr. Ben Mathis asked to not lower the speed limit on Camp Ernst Road. 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.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item VI. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT ADOPTING THE I-275/GRAVES ROAD INTERCHANGE STUDY, A LAND USE AND ZONING STUDY THAT INCLUDES A SERIES OF AMENDMENTS THAT AFFECT THE BOONE COUNTY ZONING REGULATIONS, TEXT AND MAP, AND INCLUDES A LAND USE PLAN AND LAND USE REGULATIONS. Judge Moore asked if there were any comments from the audience. Linda Weyer of Columbia, South Carolina, stated she owns 3.5 acres and agrees to have it zoned BP not Industrial. Mr. Ken Holliday of Huff Realty asked about access off Worldwide Boulevard, he preferred BP zoning. Mr. Edith Talker who lives in Liberty Crossing asked about connectivity from that development. After discussion Judge Moore asked for a Motion to Table the Ordinance until the next Fiscal Court Meeting of April 13, 2021. Commissioner Flaig moved, seconded by Commissioner Brewer, to Table the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM VII.**

**JUDGE'S REPORT**

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 AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SUK-HEE KIM TO THE TAX ADVISORY BOARD, MENTAL HEALTH. Judge Moore stated Dr. Kim is a Professor at NKU and is involved in volunteer work. 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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Judge Moore re-opened the Special Hearing again for the Vesper Lane Vacation. Mr. Alex Gardner, Attorney for Martin Marietta stated Vesper Lane is only 685 feet and there is no need for the County to maintain it. Judge Moore asked for other comments. Robert Neace, County Attorney, stated the request is to vacate the Right of Way on a County Road, it has no use for the County. This is only about vacating the right of way. If the adjacent property owners have access rights via an easement or right-of-use, this is not for the Court to determine, but rather Boone Circuit Court. Judge Moore closed the Hearing.

**ITEM VIII.**

**ADMINISTRATIVE MATTERS**

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VIII. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST TO VACATE STREET RIGHT-OF-WAY ON A SEGMENT OF VESPER LANE IN PETERSBURG, UNINCORPORATED BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE VIEWING 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.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VIII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AND SANCTIONING EXECUTIVE ORDER 2021-04 AMENDING THE COUNTY'S BUSINESS LICENSE TAX FILING DEADLINE FOR THE 2020 TAX YEAR. Jeff Earlywine, County Administrator, stated this will align the tax filing date with the Federal Tax date, asking to ratify the Executive Order. 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.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item VIII. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING AS SURPLUS 31 MOBILE ROUTERS AND SUBMITTING THEM FOR AUCTION FROM THE PUBLIC SAFETY COMMUNICATION CENTER. Jeff Earlywine, County Administrator, stated these items will be placed on GovDeals.com. 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.

E. Judge Moore asked the Fiscal Court Clerk to read into the record Item VIII. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR GRASS CUTTING TO VARIOUS VENDORS FOR LOCATIONS THROUGHOUT THE COUNTY FOR THE BOONE COUNTY PARKS DEPARTMENT. Jeff Earlywine, County Administrator, stated our largest bidder is not able to fulfill the obligations so we must go to the next low bidder, with an increase of \$32,000. 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.

**ITEM IX.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Reports dated March 23<sup>rd</sup>, 2021, and pre-paid Invoice Reports dated March 11<sup>th</sup>, and March 18<sup>th</sup>, 2021. Commissioner Brewer moved, seconded by Commissioner Flaig, 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 Reports dated March 9, 2021, and pre-paid Golf Invoice Reports dated March 11<sup>th</sup> and March 18<sup>th</sup>, 2021. Commissioner Brewer 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 X.** **OLD BUSINESS**

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

**ITEM XI.** **NEW BUSINESS**

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

**ITEM XII.** **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 MEETING – Fiscal Court Caucus – Wednesday, March 31<sup>st</sup>, 2021 @ 8:30 A.M.**

**NEXT FISCAL COURT MEETING – Tuesday, April 13<sup>th</sup>, @ 8:30 A.M.**

**Announcements:**

Judge Moore announced the passing of Galen McGlasson, a Boone County resident that served as Magistrate and Commissioner for Boone County.

Mayor Larry Solomon sent a letter of support for the Broadband project.

Commissioner Flaig asked when the Libraries would be open and suggested that the County clarify that we do not make these decisions.

**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 March 23<sup>rd</sup>, 2021.

  
**Fiscal Court Clerk**

Date: 14 Apr 2021