

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**1st Floor, Fiscal Courtroom**  
**Burlington, Kentucky**  
**Tuesday, May 11, 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 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  
Col. Les Hill, Sheriff's Department

**ITEM II.**

**APPROVAL OF MINUTES**

A. Judge Moore presented the Minutes from the Fiscal Court Meeting of April 27<sup>th</sup>, 2021 for approval. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Minutes from the Fiscal Court Meeting of April 27<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM III.**

**PUBLIC HEARING**

Judge Moore asked the Fiscal Court Clerk to read into the record the Notice of Public Hearing: NOTICE OF PUBLIC HEARING; OLD LEXINGTON PIKE LOCAL DEVELOPMENT AREA. A public hearing on the establishment of the Old Lexington Pike Local Development Area (the "Local Development Area") will be held as required by KRS 65.7047 by the County of Boone, Kentucky (the "County") at a meeting of the Boone County Fiscal Court, at 5:30 PM on May 25, 2021, at the Boone County Administration Building, 2950 Washington Street, Burlington, Kentucky. The County plans to establish the Local Development Area in accordance with the provisions of KRS 65.7041 to KRS 65.7083 (the "Act"). The County will pledge redevelopment assistance to support the development of the Local Development Area, being planned by the Grace Commercial LLC, the developer of the property within the Local Development Area, through a pledge of 100% of the incremental increase in the County's special occupational payroll tax, to be established pursuant to the Act, from the Local Development Area to reimburse the costs of public infrastructure costs to develop the Local Development Area for industrial and commercial use. The Local Development Area is an approximate 71 acre area site located on Old Lexington Pike in the County, and more particularly shown on maps available to review at the Boone County Administration Building.

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Jeff Earlywine, County Administrator, explained this area is 1,500 acres, half residing in Kenton County and half in Boone County. This project is 70.22 acres in Boone County. There are infrastructure challenges to be met. A Local Development Agreement is anticipated. Judge Moore stated this is the start of creating a TIF District. Commissioner Flaig asked a question, Jeff Earlywine responded. Jim Parsons, Attorney for the Developer explained the payroll tax associated with a TIF. Commissioner Kenner asked question, Jim Parsons responded. Judge Moore asked if there were any questions from the audience, none presented. Judge Moore closed the Special Hearing.

**ITEM IV.**

**PRESENTATIONS**

A. Judge Moore read a Proclamation for Emergency Medical Services Week. Representatives from Walton and Hebron Fire Department were present and accepted the Proclamation. Judge Moore thanked the first responders for all the work they do.

B. Judge Moore introduced Danielle Amrine, Executive Director of Welcome House. Ms. Amrine stated they provided shelter 76 nights for 68 people. She stated that Mary Rose Mission provided meals every night for the sheltered individuals. Judge Moore commented that other partnerships in the community provided support, churches, private funds and government funds.

C. Judge Moore introduced Chris Rice and Anthony Griggs Engineers with KYTC District 6. They provided a summary of the Boone County Rural Secondary Program for FY22 and the list of projects that will be completed with the flex funds in Boone County. Rob Franxman, County Engineer, stated he is in agreement with the projects KYTC is suggesting.

Judge Moore asked the Fiscal Court Clerk to read into the record the Resolution pertaining to the flex funds, Item VIII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE PROPOSED FY2021-22 KYTC RURAL SECONDARY PROGRAM, INCLUDING THE USE OF "FLEX FUNDS"; AS RECOMMENDED BY KYTC DISTRICT 6 STAFF IN THE AMOUNT OF \$116,573.00. 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.

**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 RONICA WUEST TO THE FULL-TIME POSITION OF PERMIT CLERK FOR THE BOONE COUNTY BUILDING DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. Judge Moore thanked Beth Moore for her many years of service to the County and congratulated her on her retirement. 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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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 TYLER HODGES, TO THE PART-TIME POSITION OF SOLID WASTE SERVICES RECYCLING TECHNICIAN FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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 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 SEASONALS FOR GROUNDS MAINTENANCE AT THE BOONE COUNTY GOLF COURSES. 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.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item V. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL NEW EMPLOYEES AS PROGRAM LEADERS FOR DAY CAMP, NATURAL AREA, PARK ATTENDANTS, SEASONAL MAINTENANCE AND AN ONSITE DIRECTOR FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidates. 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 V. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF TYLER KING, AS A PARK LABORER/TRUCK DRIVER FOR THE BOONE COUNTY PARKS 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.

**ITEM VI.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item VI. A: First Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, ESTABLISHING A LOCAL DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE COUNTY OF BOONE, KENTUCKY, TO BE KNOWN AS THE OLD LEXINGTON PIKE LOCAL DEVELOPMENT AREA (THE "LOCAL DEVELOPMENT AREA"); APPROVING A LOCAL DEVELOPMENT AREA AGREEMENT; ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF REDEVELOPMENT ASSISTANCE; DESIGNATING THE FINANCE DEPARTMENT OF THE COUNTY OF BOONE, KENTUCKY, AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION, AND IMPLEMENTATION OF THE LOCAL DEVELOPMENT AREA; AND AUTHORIZING THE COUNTY JUDGE/EXECUTIVE AND OTHER OFFICIALS TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE LOCAL DEVELOPMENT AREA. Judge Moore stated the Public Hearing was conducted, and this is First Reading. Are there any comments or questions from the audience? The Second Reading will be May 25<sup>th</sup>, 2021.

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B. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item VI. B: First Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF GRAND COMMUNITIES, LLC ATTN: JASON WISNIESKI (APPLICANT) FOR MARK KAHMANN, SUSAN KAHMANN, AND BONITA MADDOX FAMILY LIVING TRUST (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE /PLANNED DEVELOPMENT (SR-1/PD) FOR AN APPROXIMATE 12.74 ACRE TRACT LOCATED AT 2514 HATHAWAY ROAD, AND AN APPROXIMATE 20.33 ACRE AREA LOCATED IMMEDIATELY NORTH OF THE PROPERTIES AT 2514 AND 2546 HATHAWAY ROAD, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF LONGBRANCH DEVELOPMENT, LLC ATTN: JASON WISNIESKI (APPLICANT) FOR AF INVESTMENTS, LLC (OWNER) FOR A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN A SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) ZONE FOR AN APPROXIMATE 38.84 ACRE SITE LOCATED BETWEEN THE PROPERTIES AT 2408 HATHAWAY ROAD AND 9771 THROUGH 9915 SPRUCE LANE TO THE EAST, AND THE PROPERTIES 2504 AND 2514 HATHAWAY ROAD TO THE WEST, BOONE COUNTY, KENTUCKY. Todd Morgan, Senior Planner with the Planning Commission presented this project with slides and information. The project has 6 different pods to develop. Discussion was had pertaining to number of homes, buffers and containment of storm water. Ms. Hillary Laffin, Project Planner with Grand Communities was there in support of the developer. Judge Moore stated the Second Reading would be May 25<sup>th</sup>.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item VI. C: First Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF VIOX & VIOX (APPLICANT) FOR BONNIE J. LIVINGSTON AND WILLIAM REX LIVINGSTON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL TWO (I-2), AND A VARIANCE FROM THE BOONE COUNTY ZONING REGULATIONS, FOR THE APPROXIMATE 1.83 ACRE SITE LOCATED AT 8450 DIXIE HIGHWAY, AND THE EASTERNMOST, APPROXIMATELY 0.14 ACRES OF THE SITE LOCATED AT 149 MIKKELSEN DRIVE, BOONE COUNTY, KENTUCKY (APPROXIMATELY 1.97 ACRES TOTAL). Todd Morgan, Senior Planner with the Planning Commission presented this project with slides and information. The project is for storage units. Commissioner Kenner asked a question, Mr. Morgan responded. Judge Moore announced that the Second Reading will be May 25<sup>th</sup>.

D. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item VI. D: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, AMENDING ORDINANCE NO. 2019-17, ENACTED ON JULY 23, 2019, AND ORDINANCE NO. 2020-19 AMENDED ON AUGUST 25, 2020, RELATING TO THE USE OF GOLF CARTS ON CERTAIN DESIGNATED COUNTY STREETS AND ROADWAYS IN THE BALLYSHANNON SUBDIVISION. Rob Franxman, County Engineer, stated this request involves 15 streets; conditions stated no driving on school property. Commissioner Flaig asked a question, Matthew Webster, Assistant County Administrator, responded. Judge Moore announced that the Second Reading will be May 25<sup>th</sup>.

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**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 RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF BRIAN HECKER TO THE NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT COUNCIL ON AGING. 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.

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 THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF ROBERT ASSEO TO THE FLORENCE FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. Judge Moore stated Robert Asseo is the Chairman of the Fire Board in Florence. 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.

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 AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE-EXECUTIVE, OF MATT HOUSTON TO THE BURLINGTON FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. 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 VIII.**

**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 AWARDED THE BID FOR A 2021 RAM PROMASTER FULL-SIZE VAN AT THE BID PRICE OF \$44,499.00 TO COMMERCIAL TRANSPORTATION SOLUTIONS, LLC, FOR THE PROPERTY MAINTENANCE DEPARTMENT. Rob Franxman, County Engineer, stated only 1 bid was received, it included all upgrades. 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 VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDED THE BID FOR THE DESIGN AND INSTALLATION OF AN OUTDOOR FITNESS COURSE AT THE NORTH POINTE PARK TO DWA RECREATION AT THE BID PRICE OF \$37,500.00 FOR THE BOONE COUNTY PARKS DEPARTMENT. David Whitehouse, Director of Parks, stated bids were sent out in April, 3 bids received, installation is included. Judge Moore reminded the Court that the land was donated for this Park. Commissioner Brewer asked a question, David Whitehouse 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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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 APPROVING THE PURCHASE OF NEW SOFTWARE OF A TAX REVENUE MANAGEMENT SYSTEM FOR THE OCCUPATIONAL LICENSE AND FINANCE DEPARTMENTS. Kim Krugel, Director of Occupational License, stated her department processes 53,000 forms annually. This new software will allow the public to file on line 24x7, 365 days a year. Jason Gamble, Director of IT stated this program will be hosted and monitored by an outside company. 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.

**ITEM VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Reports dated May 11<sup>th</sup>, 2021, and pre-paid Invoice Reports dated April 29<sup>th</sup> and May 6<sup>th</sup>, 2021. 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.

B. Judge Moore presented the Golf Invoice Reports dated May 11<sup>th</sup>, 2021, and pre-paid Golf Invoice Reports dated April 29<sup>th</sup> and May 6<sup>th</sup>, 2021. Commissioner Brewer 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**

Judge Moore asked if there was any Old Business to bring before the Court. Commissioner Brewer asked a question regarding the Budget, Jeff Earlywine responded.

**ITEM X.**

**NEW BUSINESS**

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

**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, May 25<sup>th</sup>, 2021 @ 5:30 P.M.**

**Announcements:**

Lunch and Music on the Plaza, Friday, May 14<sup>th</sup>. 11:30 – 1:00

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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 May 11<sup>th</sup>, 2021.

  
Fiscal Court Clerk

Date: 26 May 2021