

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, April 4th, 2023
8:30 A.M.

ITEM I.

CALL TO ORDER

- A. Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.
- B. Commissioner Chet Hand 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
Chet Hand, Commissioner, District 2

Members of the Staff and Other Officials Present:

Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Matthew H. Webster, Assistant County Administrator
Robert Franxman, County Engineer
Robert Notton, County Treasurer/Finance Director
Lori Zombek, Director of Human Resources
Jordan Dallas Turner, County Attorney
Major Gary Peace, Sheriff's Department
Shona Schulkers, Fiscal Court Clerk

Members of the Court Absent:

Jesse A. Brewer, Commissioner, District 3

Judge Moore announced Commissioner Brewer was out of town and would not be in attendance; however, there was a quorum present.

Judge Moore recognized Chris Courtney for his service to the County for the last seven (7) years and read a proclamation. He has started employment at NKADD. Judge Moore introduced Tara Noem, Executive Director of NKADD.

ITEM II.

APPROVAL OF MINUTES

- A. Judge Moore presented the Minutes from the Fiscal Court Meeting of March 21st, 2023, for approval. Commissioner Hand moved, seconded by Commissioner Flaig to approve the Minutes from the March 21st, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (3-0).

ITEM III.

PRESENTATIONS

- A. Andy Yeager, KYTC District 6 – FY24 Rural Secondary Program Presentation. (Item VII. D) Andy Yeager reported the county was awarded just over \$830,000 for the program. Of that amount, \$252,000 is set aside for routine maintenance (pothole repairs, snow/ice removal). There is \$266,000 remaining from last Fiscal year, as such, after expenses, there will be \$716,000 available for projects this year. The recommendations from KYTC District 6 are: 1.) Resurface Big Bone Road/KY-1925 from Rice Pike up to KY-536. 2.) Resurface Glencoe-Verona Road/KY-16 from the Gallatin County line up to KY-14/491 intersection 3.) Multiple slide repairs on Riddles Run KY-2852. With the remainder and the flex funds, there will be enough for additional projects. Rob Franxman added he agrees with the recommendations. Commissioner Hand asked questions, Andy Yeager answered. Judge Moore and Rob Franxman added comments. Commissioner Flaig asked a question, Andy Yeager answered.

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Discussions followed. Commissioner Flaig and Jeff Earlywine commented. Rob Franxman added comments.

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 PROPOSED FY2023-24 KYTC RURAL SECONDARY PROGRAM, INCLUDING THE USE OF "FLEX FUNDS"; AS RECOMMENDED BY KYTC DISTRICT 6 STAFF IN THE AMOUNT OF \$124,517.00. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). Commissioner Flaig asked an additional question, Andy Yeager answered.

- B. Public Works "Distracted Driver" Proclamation Presentation.
- C. Reading of the Child Abuse Prevention Month Proclamation. Judge Moore commented the Proclamation was presented to the Family Nurturing Center at the ceremony at Tom Gill Chevrolet last Friday.

ITEM IV.

PERSONNEL MATTERS

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF EVERETT HATMAKER TO THE POSITION OF LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek commented this position is open due to a resignation. Everett has a construction background. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENTS, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL NEW HIRES AT THE BOONE COUNTY GOLF COURSES. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF NEW SEASONAL STAFF FOR THE BOONE COUNTY PARKS DEPARTMENT. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A RESTRUCTURE TO THE JOB DESCRIPTION FOR THE ASSISTANT CHIEF POSITION AND THE PAY RATE INCREASE FOR MARK MARTIN FOR THE BUILDING INSPECTION DEPARTMENT. Lori Zombek commented the new Chief Building Official and HR Director re-evaluated the department structure and looked at this position to supervise the entire staff and serve in the absence of the Chief Building Official. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

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ITEM V.

ORDINANCES

- A. Second Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST, WITH CONDITIONS OF JACK WELLS (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO RECREATION (R) FOR AN APPROXIMATE 1.2 ACRE AREA LOCATED ALONG THE WEST SIDE OF RYLE ROAD, APPROXIMATELY 0.9 MILES SOUTHWEST OF BEAVER ROAD, HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 031.00-05-010.00, BOONE COUNTY, KENTUCKY. Jeff Earlywine commented there have been no changes since the First Reading. Commissioner Flaig moved, seconded by Commissioner Hand, to adopt the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Second Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST, WITH CONDITIONS, OF AKRAM OTHMAN (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN FROM SUBURBAN RESIDENTIAL TWO (SR-2) DISTRICT, OFFICE ONE (O-1) DISTRICT AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT TO COMMERCIAL ONE (C-1) DISTRICT FOR AN APPROXIMATE 4.8 ACRE AREA LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF OAKBROOK ROAD WITH BURLINGTON PIKE AND INCLUDES THE PROPERTY AT 1655 BURLINGTON PIKE AND THE PROPERTIES WITH THE FOLLOWING PARCEL IDENTIFICATION NUMBERS (PIDN'S): 049.00-044.00, 049.00-00-044.01 AND 049.00-00-041.02, BOONE COUNTY, KENTUCKY (AREA 3). Jeff Earlywine commented there have been no changes since the First Reading. Commissioner Hand asked Jeff Earlywine to read the seven (7) conditions. Commissioners Flaig and Hand asked questions, Jeff Earlywine answered. Commissioner Hand added comments and requested to add two (2) conditions: 1.) Not allow access to Oakbrook Drive, only KY-18. 2.) Add the same tree line as the office building next door. Jeff Earlywine responded if the court was interested in pursuing these added conditions, he advised to go back to the owner/applicant and propose the new conditions and not take action today. Judge Moore asked a question, Jeff Earlywine answered. Commissioner Hand added comments. Judge asked for a motion to table the ordinance to allow time to consult with the owner/applicant. Jeff Earlywine stated that Fiscal Court will have until May 30 to take final action. Commissioner Flaig moved, seconded by Commissioner Hand, to table the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). Commissioner Flaig asked an additional question, Judge Moore answered, and Rob Franxman commented.

ITEM VI.

JUDGE'S REPORT

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SUSAN POSTON TO FILL THE UNEXPIRED TERM OF THE BOONE COUNTY BOARD OF ADJUSTMENT FOR THE BOONE COUNTY PLANNING COMMISSION. Judge Moore commented the position is open to due to the resignation of Sherry Hempfling. Susan was previously on the Planning Commission. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

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ITEM VII.

ADMINISTRATIVE MATTERS

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO SIGN AND EXECUTE ANY AND ALL DOCUMENTS RELATED TO, AND TO APPROVE THE ASSISTED HOUSING ANNUAL PLAN FOR 2023. Boubacar Diallo, Assisted Housing Director reported we are required by HUD every year to submit the annual plan to continue receiving funding. The plan has not changed except for one request by HUD to the Family Self Sufficiency Program. Judge Moore, Boubacar Diallo, and Commissioners Flaig and Hand added comments. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR PHASE 1 DESIGN SERVICES FOR A MULTI-USE PATH BETWEEN CONNER ROAD AND MINEOLA PIKE TO PRIME AE GROUP. Rob Franxman reported the bid was awarded in December to Prime AE Group. Phase 1 will provide preliminary plans. The project includes funding by a federal grant and the project cost is just over \$5 million dollars. The project will construct a 5-mile path and the grant will provide 50% reimbursement to the county. Judge Moore added comments. Commissioner Flaig asked questions, Rob Franxman and Judge Moore answered. Judge Moore added comments. Commissioner Hand asked questions, Rob Franxman and Jeff Earlywine answered. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE FY 2023 KYTC RURAL SECONDARY FLEX FUNDING AGREEMENT FOR \$122,591.00. Rob Franxman reported this is to accept the flex funds. The county will continue to work with the state to use these funds. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Read and voted on during KYTC District 6 Presentation (Item III. A).
- E. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ADOPTING AND APPROVING THE EXECUTION OF A COUNTY ROAD AID CO-OP PROGRAM AGREEMENT BETWEEN THE BOONE COUNTY FISCAL COURT AND THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF RURAL AND MUNICIPAL AID, FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AS PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL ROADS AND STREETS REFERRED TO THEREIN AS BEING A PART OF THE COUNTY ROAD SYSTEM. Jeff Earlywine reported this is the primary funding for county road aid from the state. The amount is less next year than this year. There has been a reduction in funding over the last 10 years. The revenues are derived from state gas tax, which has declined due to federal requirements on fuel efficiency and hybrid vehicles not paying gas tax. The trend will continue until the gas tax formula is changed. Judge Moore asked a question, Jeff Earlywine answered. Judge explained the gas tax is based on wholesale price of fuel. Commissioner Hand added comments and asked a

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question, Jeff Earlywine answered. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

ITEM VIII.

FISCAL MATTERS

- A. Commissioner Hand moved, seconded by Commissioner Flaig to approve Invoice and Golf Invoice Reports dated April 4th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Commissioner Flaig moved, seconded by Commissioner Hand to approve Pre-Paid Invoice Reports dated March 30th and March 23rd, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- C. Commissioner Hand moved, seconded by Commissioner Flaig to approve Fiscal Court Order #20 – A Fiscal Court Order authorizing transfers in the amount of \$409,900.00, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Commissioner Hand moved, seconded by Commissioner Flaig to approve Fiscal Court Order #21 – A Fiscal Court Order authorizing transfers in the amount of \$80,000.00, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- E. Commissioner Hand moved, seconded by Commissioner Flaig to receive the Monthly Financial Report for an eight-month period ending February 28th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

ITEM IX.

OLD BUSINESS

- A. Judge Moore asked if there was any Old Business to come before the Court. Commissioner Hand asked if there was an update on his request to change the Ethics Code language from last meeting. Jeff Earlywine said the staff and County Attorney have met and will have a report at the next meeting on April 18. Jordan Dallas Turner added that they will do their best to have it ready by the next meeting. Commissioner Hand also asked if there was an update on the requested changes/updates on the Zoning Ordinance request. Jeff Earlywine said a report will be ready at the next meeting as well. Judge Moore added it will be presented at the April 18 meeting, with discussion and possible action being taken at the following meeting, May 9.

ITEM X.

NEW BUSINESS

- A. Judge Moore asked if there was any New Business to come before the Court, Commissioner Flaig handed out a resolution from the City of Ft. Wright regarding House Bill 312. Judge Moore noted that the state legislative session has now ended. Judge Moore and Commissioners Flaig and Hand added comments.

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ITEM XI.

ADJOURNMENT

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Hand moved, seconded by Commissioner Flaig, to adjourn the meeting, ALL PRESENT VOTING AYE (3-0).

NEXT FISCAL COURT MEETING – Tuesday, April 18th, 2023 @ 8:30 A.M.

Announcements:

Boone County Arboretum hosting the “Dogwood Dash 5k Run/Walk” on Saturday, 4/29, 9am-12pm, for more information visit their website, www.bcarboretum.org.

CLERK CERTIFICATION

I, Shona Schulkers, 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 April 4th, 2023.



Fiscal Court Clerk

Date: 4/18/23_____