

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**December 21, 2021**  
**5:30 P.M.**

**ITEM I.**

**CALL TO ORDER**

- A. Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.
- B. Commissioner Charles E. Kenner 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  
Mathew H. Webster, Assistant County Administrator  
Robert Franxman, County Engineer  
Kimberley A. Krugel, Interim County Treasurer/Finance Director  
Les Hill, Chief Deputy  
Lori Zombek, Human Resource Director  
Shona Schulkers, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

Judge Moore presented the Minutes from the Fiscal Court Meeting of December 7<sup>th</sup>, 2021 for approval. Commissioner Flaig moved, seconded by Commissioner Brewer, to approve the Minutes from the meeting December 7<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

**ITEM III.**

**PRESENTATIONS**

- A. County Clerk, Justin Crigler and Becky Barth presented the proposed FY 2022 budget. He reported both elections had the largest turnout this year. The office had a successful financial year. There are 40 employees (33 full time and 7 part time) in both locations. Becky Barth commented they are on pace to return \$2 million to the Fiscal Court at end of the 2022 term, as of today, they are still under budget. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE COUNTY CLERK'S BUDGET, GENERAL TERM ORDER AND ANNUAL ORDER FOR SETTING THE MAXIMUM AMOUNT FOR DEPUTIES AND ASSISTANTS OF THE COUNTY CLERK'S DEPARTMENT FOR THE CALENDAR YEAR 2022. (See page 3, Item VII. B) 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 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 LISA WELLS TO THE POSITION OF ASSISTANT VETERINARY TECHNICIAN FOR THE ANIMAL CARE AND CONTROL CENTER. Lori Zombek commented Lisa has a background in customer service. 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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- B. 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 LUKE BOSTON TO THE POSITION OF LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek commented Luke has driving operations experience. 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 V.**

**ORDINANCES**

- A. Judge Moore asked the Fiscal Court Clerk to read into record a Second Reading of AN ORDINANCE OF 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 SETCO SALES COMPANY UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100). Judge Moore commented it will bring 90 jobs to the area. Commissioner Flaig moved, seconded by Commissioner Brewer, to adopt 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 a Second Reading of AN ORDINANCE OF 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 MAB FABRICATION, INC. UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100). Judge Moore commented it will bring 24 jobs to the area. Commissioner Kenner moved, seconded by Commissioner Brewer, to adopt the ordinance. 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 a Second Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING WITH CONDITIONS, A REQUEST OF STEPHANY SHEEKEY (APPLICANT) FOR AMERCO REAL ESTATE COMPANY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) FOR A 9.55 ACRE SITE LOCATED AT 10915 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. This is the Richwood Flea Market. Jeff Earlywine commented there has been no changes since the first reading. There were 13 conditions of approval. Commissioner Flaig moved, seconded by Commissioner Kenner, to adopt the ordinance. 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 a Second Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 3.87 ACRE SITE LOCATED AT 3215 COUGAR PATH, BOONE COUNTY, KENTUCKY. Judge provided recap of the request. The opposition spoke first, Marilyn Sutton, Finance Chair talked about the pre-school program with regards to the traffic. Jay Fossett recapped the Commercial Development Plan and Zoning regulations for this property, stating residential is not included in the plan. He asked the court to reject the application. Kyle Holbrook, teacher at Conner High School also discussed the traffic pattern and congestion. He said pedestrian safety is a concern with the school children walking to and from the schools. Attorney for applicant, Tom Breidenstein spoke about the traffic, mentioning residential will cause less traffic than

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commercial. He also stated that pre-school times will not conflict the residential traffic. He addressed their concerns with parking, commenting that residents and their guests will not park in the church parking lot simply because the office parking will be more convenient. He requested the court accept the application. Jeff Earlywine said there hasn't been any changes since the first reading. Commissioner Kenner mentioned the upcoming multi-use path that will be added along KY 237 and down Cougar Path addressing the safety issues. Commissioner Brewer moved, seconded by Commissioner Kenner, to adopt 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 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, OF COUNTY JUDGE/EXECUTIVE GARY W. MOORE AND COMMISSIONER CATHY H. FLAIG, TO THE OHIO-KENTUCKY-INDIANA (OKI) REGIONAL COUNCIL OF GOVERNMENTS BOARD OF TRUSTEES. 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).
- B. Judge Moore asked the Fiscal Court Clerk to read into the record A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF REBECCA UTZ AND KEITH RITTINGER TO THE BOONE COUNTY EXTENSION DISTRICT BOARD. 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 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 AND ACCEPTING THE TOTAL REQUEST OF \$196,400 FOR THE CAPITAL FUNDS PROGRAM SUPPORTED BY AGING, INTELLECTUAL DISABILITY AND MENTAL HEALTH PAYROLL TAX FUNDS FOR FY 2022. Laura Pleiman presented the Capital Funds history and requirements. Funding will be awarded to Meals on Wheels and People Working Collaboratively. 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. RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE COUNTY CLERK'S BUDGET, GENERAL TERM ORDER AND ANNUAL ORDER FOR SETTING THE MAXIMUM AMOUNT FOR DEPUTIES AND ASSISTANTS OF THE COUNTY CLERK'S DEPARTMENT FOR THE CALENDAR YEAR 2022. Resolution read during presentation, page 1, Item III. A.
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING G.S.I. TO PERFORM SOIL NAIL WALL REPAIR ON WOOLPER AND RYLE ROADS USING THE KTYC MASTER AGREEMENT. Rob Franxman reported there are two repairs on Woolper Road and one on Ryle Road. They will make improvements based on the master plan. Commissioner Flaig

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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, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AN AMENDMENT TO THE BOONE COUNTY JAIL PERSONNEL POLICY MANUAL RELATING TO THE PAYMENT OF OVERTIME COMPENSATION. Jeff Earlywine reported the policy change is designed to better incentivize the current staff, changing overtime from time and a half to double time. Total cost is estimated at \$63,000. 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).
- E. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE BOONE COUNTY WATER DISTRICT TO PARTNER FOR IMPLEMENTATION OF THE BOONE COUNTY RURAL WATER EXPANSION PROGRAM. Jeff Earlywine reported this is the next step to move forward to provide water for unserved areas of the county, which is 20 neighborhoods. 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).
- F. 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 PROVISION OF CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE PROPOSED BOONE COUNTY ANIMAL SHELTER TO CONGER CONSTRUCTION GROUP. Matthew Webster presented design and project, which is moving at a great pace. Construction Manager will start working with the architect company and the county. Hopefully construction will begin this Spring. There were 5 submissions with two finalists. There were three criteria, Conger Construction Group came in lower. Colleen Bray also spoke about the project. 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.**

**FISCAL MATTERS**

- A. Commissioner Brewer moved, seconded by Commissioner Flaig, to approve the Invoice Report dated December 21<sup>st</sup>, 2021, and pre-paid invoice reports dated December 9<sup>th</sup>, 2021, and December 16<sup>th</sup>, 2021. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Kenner moved, seconded by Commissioner Brewer to approve Golf Invoice Report dated December 21<sup>st</sup>, 2021, and pre-paid invoice reports dates December 9<sup>th</sup>, 2021, and December 16<sup>th</sup>, 2021. 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 come before the Court, no old business was presented.

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**ITEM X.**

**NEW BUSINESS**

Judge Moore asked if there was any New Business to come before the Court.

- A. STAFF REPORT – (RFQ) Process relating to the third-party operation of Boone's Landing Marina. Jeff Earlywine reported the current operators, the Soper's advised the staff they are not extending their operating agreement with the county. An RFQ was issued, looking for a new operator and no submissions were received. The county would like to move forward to use a negotiated process to find a new operator. The Parks Department may be involved but services may be limited.
- B. STAFF REPORT – (RFP) Process relating to bid solicitation for tee-box renovation at Lassing Pointe Golf Course. Matthew Webster reported there was money in the budget to replace the two deteriorated tee boxes. There have not been any submissions so far, although some firms have looked at the site.

**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, January 11<sup>th</sup>, 2022 at 8:30am**


**ANNOUNCEMENTS**

- A. HOLIDAY LIGHTS RECYCLING – will continue through February 1<sup>st</sup>.
- B. CHRISTMAS TREECYLCING – December 26<sup>th</sup> – January 8<sup>th</sup>. Details and drop off locations are available on the county website, [www.boonecountyky.org](http://www.boonecountyky.org).
- C. BOONE COUNTY ENGAGE PROGRAM: A GOVERNMENTAL CITIZENS ACADEMY – the class has reached capacity, we are no longer be accepting applications.

**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 December 21<sup>st</sup>, 2021.

Date: 1/11/22

  
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Fiscal Court Clerk