

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, December 6th, 2022
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. Judge Gary W. Moore presented the Invocation and the Pledge to the Flag.

Members of the Court Present:

Gary W. Moore, County Judge/Executive
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
Robert Franxman, County Engineer
Robert Notton, County Treasurer/Finance Director
Colonel Les Hill, Sheriff's Department
Shona Schulkers, Fiscal Court Clerk

Members of the Court Absent:

Cathy H. Flaig, Commissioner, District 1

Members of the Staff Absent:

Mathew H. Webster, Assistant County Administrator
Lori Zombek, Director of Human Resources

ITEM II.

APPROVAL OF MINUTES

- A. Judge Moore presented the Minutes from the Fiscal Court Meeting of November 29th, 2022 for approval. Commissioner Brewer moved, seconded by Commissioner Kenner to approve the Minutes from the November 29th, 2022 meeting. Judge Moore called for a vote on the motion, MOTION PASSES (3-0).

ITEM III.

PRESENTATIONS

- A. Presentation of FY23 Sheriff's Budget – Sheriff Mike Helmig presented the budget with a new pay scale for deputies, same as the City of Florence. There is an increase in the budget for body cameras and equipment, there is a decrease in the retirement rate. Jeff Earlywine commented there is an amended budget as of today which reflected the lower employer contribution rate. The KY Retirement System, CERS Board of Trustees met yesterday and set the new rates by lowering hazardous duty by 13% and non-hazardous duty by 12%. Commissioner Brewer asked how the new pay scale will affect employee retention and attracting new employees. Sheriff Helmig answered, it will help a lot as we compete with Florence. He mentioned there have been five (5) openings now mostly due to retirement. Judge Moore asked about the savings, Jeff Earlywine answered. Mr. Cicero from the audience asked about the pension reduction savings for the County, Judge Moore answered he would need to find out.

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 THE SHERIFF'S BUDGET, GENERAL TERM ORDER, AND ANNUAL ORDER SETTING MAXIMUM AMOUNT FOR DEPUTIES AND ASSISTANTS OF THE BOONE COUNTY SHERIFF'S DEPARTMENT FOR THE CALENDAR YEAR 2023. Commissioner Brewer moved, seconded by

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Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

- B. FY 2020 Audit Report Presentation - Stephanie Allgeyer, VonLehman and Associates presented the FY 2020 Audit Report. She reported the audit received an unmodified opinion, which is a clean audit opinion. The audit was approved by the State Auditor. The net position ended at \$335 million, total revenues were \$96 million and total expenses were \$89 million. Judge Moore commented we are currently working on the 2021 audit. Rob Notton added the opening meeting is next week, and we are 80% complete.

Judge Moore asked the Fiscal Court Clerk to read into the record, Item VIII. D, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING THE COMPLETION AND ACCEPTANCE OF THE FY 2020 AUDIT REPORT. Judge Moore also reported the added revenue was not due to any tax increase, the revenue primarily comes from the occupational tax growth (more people working in the county). Other additional revenue is from Cares Act money. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the resolution. Mr. Hand from the audience asked if the county would be addressing the action items. Jeff Earlywine answered we have already implemented changes to be responsive to the recommendations and will continue to follow through. The audit will be posted to the website pending approval. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

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 JEREMIAH RICE TO THE POSITION OF SOLID WASTE SERVICES TECHNICIAN FOR THE PUBLIC WORKS DEPARTMENT. Rob Franxman presented the candidate; he is being transferred from the Parks Department. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF A SEASONAL NEW HIRE AT THE BOONE COUNTY GOLF COURSES. Jeff Earlywine 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 (3-0).

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 APPROVING WITH CONDITIONS, A REQUEST OF TANENBAUMS LLC, PER DAMIAN TANENBAUM (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL ONE (C-1) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 0.4 ACRE AREA LOCATED AT 11568 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. Benjamin Mason, representing the applicant is in attendance and can answer any questions, there were none. There was no one in opposition. Commissioner Kenner moved, seconded by Commissioner Brewer, to adopt the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

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- B. Judge Moore asked the Fiscal Court Clerk to read into record, a Second Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF FROST BROWN TODD LLC, PER TANNER NICHOLS (APPLICANT) FOR PERFETTI VAN MELLE USA INC., PER HOLLY INGRAM (OWNER) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 25.7 ACRE SITE LOCATED AT 3645 TURFWAY ROAD, BOONE COUNTY, KENTUCKY. Tanner Nichols, applicant is in attendance and can answer any questions, there were none. There was no one in opposition. Commissioner Brewer moved, seconded by Commissioner Kenner, to adopt the ordinance. 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 record, a Second Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF CORPOREX PARKS OF KENTUCKY, INC., PER NICOLE CHIMENTO AND THOMAS BANTA (OWNER/DEVELOPER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) DISTRICT TO URBAN RESIDENTIAL THREE/PLANNED DEVELOPMENT (UR-3/PD) DISTRICT FOR AN APPROXIMATE 8.3 ACRE AREA LOCATED AT 3337, 3339, 3341, 3343, 3347 AND 3351 MINEOLA PIKE, 3340 BOONELAND TRAIL AND PART OF 3336 BOONELAND TRAIL, BOONE COUNTY, KENTUCKY. Jeff Earlywine commented there were no changes since the first reading. Nicole Chimento, with Corporex is in attendance and can answer any questions, there were none. There was no one in opposition. Commissioner Kenner moved, seconded by Commissioner Brewer, to adopt the ordinance. 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 record, a First Reading of AN ORDINANCE OF THE COUNTY OF BOONE, KENTUCKY AMENDING ORDINANCE 2017.13 RELATING TO THE TRANSIENT ROOM TAX TO INCLUDE ALL ACCOMMODATIONS CONTAINED IN HOUSE BILL 8 OF THE 2022 REGULAR LEGISLATIVE SESSION AND REPEALING INCONSISTENT ORDINANCES. Jeff Earlywine reported on the background of the ordinance. This ordinance does not approve any additional tax, but only to align all (3) counties. House Bill 8 was designed to reduce the state income tax by expanding the transient room tax to include accommodation rentals by a third party (Airbnb, VRBO, campgrounds, RV parks, and cabins). Julie Kirkpatrick, meetNKY/NKY CVB President & CEO commented there is an estimated 1% increase in overall revenue which will be used for tourism marketing. The third parties have been contacted about this new tax, which they will pass on to their customers. Airbnb rentals have been charging this tax for (2) years now, the others will begin charging this tax on January 1st, 2023. Mr. Cicero asked a question about the funds currently being received by Airbnb, Julie Kirkpatrick answered the funds are going to the CVB. Judge Moore added, the funds are used to promote the region and drive business to hotels. Mr. Hand asked how we are able to collect taxes without being authorized, Judge Moore answered the revenue does not come through the county, the CVB receives it directly. He asked what the purpose of the tax was for, Julie Kirkpatrick answered the tax is to promote the area and to bring additional visitors to NKY, these visitors leave behind an economic impact that lowers the taxes of residents that live in the county. He also asked the purpose of licensing, Julie Kirkpatrick answered that all the business requirements need to be the same. The proposed Second Reading will be on December 20th.

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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, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CORRINE GULICK AND THE APPOINTMENT OF ERIC RICHARDSON TO THE BOONE COUNTY PLANNING COMMISSION. Commissioner Brewer moved, seconded by Commissioner Kenner, 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 RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MICHAEL DUNCAN TO THE BOONE COUNTY ETHICS COMMISSION. Commissioner Kenner moved, seconded by Commissioner Brewer, to table 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 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 (3-0)
- D. 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 JACK WELLS TO THE BOONE COUNTY SHERIFF MERIT BOARD. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0)
- E. 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 RYAN ESTES TO FILL THE UNEXPIRED TERM OF CHRISTOPHER VAUGHT-HALL OF THE BOONE COUNTY BOARD OF ADJUSTMENT FOR THE BOONE COUNTY PLANNING COMMISSION. Judge Moore commented Christopher Vaught-Hall ran for Magistrate and won, he will not be able to serve on the board. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0)

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 APPROVING AN AGREEMENT WITH KYTC FOR THE RELEASE OF FEDERAL SNK FUNDS FOR THE CAMP ERNST ROAD AND LONGBRANCH ROAD RECONSTRUCTION PROJECT. Rob Franxman reported this resolution authorizes the design funds for 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 (3-0)

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- B. Read during FY23 Sheriff's Budget presentation.
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT REJECTING THE BID RECEIVED FROM MAGIC SALT OF KENTUCKIANA LLC VIA THE KACO REVERSE SALT AUCTION. Rob Franxman commented KACO's price was significantly higher. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the resolution to reject the bid. 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 CHANGE ORDER #1 IN THE AMOUNT OF \$118,160.66 RELATING TO ADDITIONAL WORK ITEMS FOR THE KY 237 MULTI-USE PATH CONSTRUCTION PROJECT. Rob Franxman reported there were multiple obstacles encountered requiring additional work not included in the original scope. The new completion date is August 1, 2023. There was a conflict with a Verizon phone tower. Mr. Cicero asked a question about the contractors being responsible, Rob Franxman answered. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- E. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING CHANGE ORDER #1 IN THE AMOUNT OF \$207,467.50 RELATING TO ADDITIONAL WORK ITEMS FOR THE FY22 BURLINGTON PAVING PROGRAM. Rob Franxman reported that during construction, other areas were identified. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- F. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR PLAYGROUND EQUIPMENT AT GILES CONRAD PARK TO DWA RECREATION, INC. David Whitehouse, Parks & Recreation Director commented the park is 43 acres and gets a lot of use. Jeff Earlywine added the playground and shelters are far away from the shoreline where there is an erosion issue. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- G. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR A SHELTER BUILDING AT GILES CONRAD PARK TO RECREATION INSITES. David Whitehouse commented on the shelters. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- H. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING ENGINEERING AND DESIGN SERVICES FOR THE BOONE COUNTY PARKS AND RECREATION OFFICE AND MAINTENANCE COMPLEX TO HUB + WEBER ARCHITECTS, PLC. Jeff Earlywine reported this will allow for a conceptional plan and opinion of probable cost for a new Parks building on Maplewood Drive at the current animal shelter site near the existing Parks Maintenance building. The Parks department facility is not supportive of their operations due to lack of space,

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poor employer space, and storage. Mr. Cicero asked if there was a budgeted amount for the project. Jeff Earlywine answered. Judge Moore commented we are not making any commitments to construct the building at this time. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 Brewer moved, seconded by Commissioner Kenner to approve Invoice Report and Golf Invoice Report dated December 6th, 2022. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Commissioner Kenner moved, seconded by Commissioner Brewer to approve Pre-Paid Invoice Report December 1st, 2022 and Special Pre-Paid Invoice Report dated November 28th, 2022. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- C. Commissioner Brewer moved, seconded by Commissioner Kenner to approve Fiscal Court Order #12 – A Fiscal Court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$17,898.00, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Read during FY 2020 Audit Report presentation.

ITEM IX.

OLD BUSINESS

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

ITEM X

NEW BUSINESS

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

ITEM XI.

ADJOURNMENT

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

NEXT FISCAL COURT MEETING – Tuesday, December 20th, 2022 @ 5:30 P.M.

Announcements:

Judge Moore commented on the fatality at the Walton exit. The county has been advocating for the safety of this federal highway exit for a long time.

Judge Moore commented the tree lighting last Saturday was very successful.

Mr. Hand commented on the Walton exit, additional development of this area should be considered as well in terms of impacting the exit.

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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 December 6th, 2022.



Fiscal Court Clerk

Date: 12/20/22