

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, February 7th, 2023
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 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
Jesse A. Brewer, Commissioner, District 3
Jordan Dallas Turner, County Attorney
William Knoebel, Assistant 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
Robert Notton, County Treasurer/Finance Director
Lori Zombek, Director of Human Resources
Les Hill, Chief Deputy, Sheriff's Department
Shona Schulkers, Fiscal Court Clerk

ITEM II.

APPROVAL OF MINUTES

- A. Judge Moore presented the Minutes from the Fiscal Court Meeting of January 31st, 2023 for approval. Commissioner Brewer moved, seconded by Commissioner Flaig to approve the Minutes from the January 31st, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

PRESENTATIONS

- A. Boone County Solid Waste "Quit the Littering" Calendar Contest winners – Mike Wilson, Supervisor and Jeremiah Rice, Community Outreach Coordinator. Mike Wilson stated the contest is for Kindergarten – 5th grade and there are 2 winners for each grade. He presented the winners in attendance as follows: Olivia Hill (front cover winner), Collin Young, Adelyn Wade, Caroline Ewing, Rae Dirkes, Frances Marsh, Ava Hurd, Aubrey Blackburn, Ben Schneider, Carter Young, Claire Ewing, Kaiya Longland, and Cali Craddock.

ITEM IV.

CLOSED SESSION

- A. Meet in Closed Executive Session for the purposes of discussing pending litigation and personnel matters pursuant to KRS 61.810 (1) (c) (f). Commissioner Brewer moved, seconded by Commissioner Hand, to move into Executive Session. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). Commissioner Flaig recused herself from the portion of the Executive Session involving the personnel matter. Commissioner Flaig entered the Executive Session for discussions of pending litigation. Commissioner Hand moved, seconded by Commissioner Brewer, to return from the Executive Session. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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ITEM V.

PERSONNEL MATTERS

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE TERMINATION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF RICHARD ROBERTS, BUILDING INSPECTOR FOR THE BOONE COUNTY BUILDING INSPECTION DEPARTMENT. Commissioner Hand moved, seconded by Commissioner Brewer, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0, 1 recusal by Commissioner Flaig).
- 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 SHELDON HIGH TO THE FLEET SERVICES MECHANIC POSITION FOR THE DIVISION OF FLEET SERVICES AT THE PUBLIC WORKS DEPARTMENT. Lori Zombek presented the candidate and commented the position is open due to a resignation. This is an internal candidate. Commissioner Hand asked a question, Lori Zombek answered. 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, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL NEW HIRES AND RETURNING SEASONALS AT THE BOONE COUNTY GOLF COURSES. Lori Zombek presented the candidate and commented the start dates vary; this is a majority of our seasonals. Commissioner Hand asked a question, Lori Zombek 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 (4-0).

ITEM VI.

ORDINANCES

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, a First Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, AMENDING THE FISCAL YEAR 2023 ALL FUNDS BUDGET ENACTED BY ORDINANCE NO. 2022-11 (ADOPTED ON JUNE 28, 2022) AND PREVIOUSLY AMENDED BY ORDINANCE NO. 2022-20 (ADOPTED ON AUGUST 23, 2022). Rob Notton reported there are three items of unanticipated revenues: (1) County Clerk applying for state grant to purchase e-Poll books. (2) National Opioid Settlement Fund (3) Motor Vehicle Fund, receiving more tax than budgeted. Commissioner Hand asked questions, Rob Notton and Jeff Earlywine answered. Commissioner Brewer asked a question, Rob Notton answered. Judge Moore added the second reading will be at our February 21 meeting.
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, a First Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST OF VIOX AND VIOX, INC. PER MICHELLE BOLLMAN (APPLICANT) FOR DOMASCHKO PROPERTIES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN AND VARIANCE IN AN INDUSTRIAL ONE (I-1) DISTRICT FOR AN APPROXIMATE 6.7 ACRE AREA LOCATED AT 11061 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. THE REQUESTS ARE: (1) A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO ALLOW THE CONSTRUCTION OF A 5,000 SQUARE FOOT BUILDING WITH OUTDOOR TRUCK/TRAILER PARKING AND AN EXPANSION OF THE

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OFF-STREET PARKING LOT AND (2) A VARIANCE TO REDUCE THE 50' FRONT YARD FENCE SETBACK TO ALLOW AN 8' TALL FENCE APPROXIMATELY 21' FROM THE DIXIE HIGHWAY RIGHT-OF-WAY LINE. Todd Morgan, Senior Planner presented the request for D-Crane for a change in the concept development plan. The request is for a new storage building, parking lot, truck and trailer parking, fencing and landscaping. The Planning Commission recommended unanimously. Commissioner Hand asked questions, Todd Morgan answered. Commissioner Flaig asked questions, Rob Domaschko, D-Crane Owner answered. Commissioner Hand offered a comment. Judge Moore added the second reading will be at our February 21 meeting.

- C. Judge Moore asked the Fiscal Court Clerk to read into the record, a First Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, APPROVING AN AMENDMENT OF BOONE COUNTY CODE OF ORDINANCES CHAPTER 71 RELATING TO THE BOONE COUNTY TRAFFIC CODE HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 12-03 ON FEBRUARY 21, 2012, AND SECTIONS 71.01, 71.13, AND 71.15 HAVING BEEN PREVIOUSLY AMENDED BY ORDINANCE 13-15 ON AUGUST 6, 2013. Matthew Webster reported the ordinance amendment was requested by the Sheriff's department. There are no additional sections being added, only changes being made to language that is vague and not clear. Commissioner Hand asked questions. Matthew Webster answered. Commissioner Brewer commented. Judge Moore added the second reading will be at our February 21 meeting.

ITEM VII.

JUDGE'S REPORT

- A. None.

ITEM VIII.

ADMINISTRATIVE MATTERS

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ESTABLISHING THE OPIOID SETTLEMENT FUND. Rob Notton reported the state is requiring a separate fund according to the state statute. Commissioner Hand 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, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND SETTLEMENT PARTICIPATION AGREEMENT RELATING TO THE NATIONAL OPIOID LITIGATION. Jeff Earlywine stated once the settlement agreement is ratified; more information will be provided. 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, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A ONE-YEAR RENEWAL ON THE GOLF CART LEASE AGREEMENT WITH CUNNINGHAM GOLF CAR COMPANY, INC. FOR THE BOONE COUNTY GOLF COURSES. Matthew Webster reported we bid out two years ago for a three-year lease agreement. Due to lead time we will take advantage of the renewal provision of the current lease which will expire in December 2023. Commissioner Brewer and Commissioner Hand asked questions, Matthew Webster answered. Commissioner Flaig asked a question, Judge Moore answered. Commissioner Hand moved, seconded by Commissioner

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Flaig, 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 AWARDING THE BID FOR DOG PARK FENCING TO CATLETT CONSTRUCTION AND SERVICES, LLC. FOR THE PARKS DEPARTMENT. David Whitehouse, Parks Director reported the dog park is being relocated on the new land the county recently purchased. There were five bids received with options for chain link and poplar plank fencing. Low bid for 3,900 feet of plank fencing is \$65,000. David also commented we had the last plank fence for 18 years, and provided additional comments due to the decision to choose plank over chain link. Commissioners Brewer and Hand asked a question, David Whitehouse answered. Commissioner Brewer moved, seconded by Commissioner Hand, 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 AUTHORIZING THE FILING OF A KENTUCKY HOUSE BILL (HB) 1 COUNTY CLERKS ELECTION EQUIPMENT GRANT APPLICATION FOR UP TO \$255,000.00 IN HB 1 PROJECT FUNDS WITH THE DEPARTMENT FOR LOCAL GOVERNMENT (DLG); AUTHORIZING AND DIRECTING THE BOONE COUNTY JUDGE/EXECUTIVE TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY DLG TO CARRY OUT THIS PROJECT; AND AUTHORIZING THE JUDGE/EXECUTIVE TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT. Justin Crigler, County Clerk reported it is now required by law to purchase 150 e-Poll books (voter role for ID check in) because the current contract is expired. Commissioner Flaig asked questions, Justin Crigler answered. Jeff Earlywine added, the grant will cover the cost of the e-Poll books. Commissioner Hand asked questions, Justin Crigler and Stacy Adkins, Election & Voter Registration Supervisor answered. Judge Moore asked a clarifying question, Justin Crigler answered. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM IX.

FISCAL MATTERS

- A. Commissioner Hand moved, seconded by Commissioner Brewer to approve Invoice and Golf Invoice Report and Invoice Report dated February 7th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Flaig moved, seconded by Commissioner Brewer to approve Pre-Paid Invoice Report dated February 2nd, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- C. Commissioner Brewer moved, seconded by Commissioner Flaig to approve Fiscal Court Order #16 – A Fiscal Court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$379,994.86, within the adopted Fiscal Year 2022-2023 Budget. 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, there was none.

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ITEM XI.

NEW BUSINESS

- A. Judge Moore asked if there was any New Business to come before the Court, Jeff Earlywine reported there were several transportation grants available and Boone County was a recipient. The CMAQ grant will offer \$660,000 to be used for intersection enhancements with dual left turn lanes and sidewalks at Southpark Drive/SR 237 Intersection. The County will provide a 20% match for this grant. Commissioner Hand asked a question, Jeff Earlywine answered. Commissioner Flaig asked a question, Forb Franxman answered.

ITEM XII.

ADJOURNMENT

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Flaig moved, seconded by Commissioner Hand, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0).

NEXT FISCAL COURT MEETING – Tuesday, February 21st, 2023 @ 5:30 P.M.

Announcements:

Judge Moore announced that Bobby Sebree and Kim Bunger have both passed away.

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 February 7th, 2023.



Fiscal Court Clerk

Date: 2/22/23