

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**Tuesday, January 31<sup>st</sup>, 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 Cathy H. Flaig 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  
Gary Peace, Operations Major, 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 10<sup>th</sup>, 2023 for approval. Commissioner Brewer moved, seconded by Commissioner Flaig to approve the Minutes from the January 10<sup>th</sup>, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).
- B. Judge Moore presented the Minutes from the Special Meeting of January 21<sup>st</sup>, 2023 for approval. Commissioner Hand asked for the minutes to be amended noting that Laura Pleiman, Human Services Director was not in attendance. Commissioner Flaig moved, seconded by Commissioner Hand to approve the amended Minutes from the January 21<sup>st</sup>, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

**ITEM III.**

**READING OF PUBLIC HEARING NOTICE**

- A. Judge Moore asked the Fiscal Court Clerk to read into record: Notice is hereby given that on January 31, 2023 at 8:30 a.m., in the First Floor Fiscal Court Room of the Boone County Administration Building, located at 2950 Washington St, Burlington, KY 41005 , a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held by the Boone County, Kentucky Fiscal Court with respect to the proposed issuance by the Public Finance Authority (the "Authority") of its Air Cargo Obligated Group Revenue Bonds (AFCO Airport Real Estate Group) Series 2023 (the "Bonds"), which will be issued as exempt facility bonds for an airport facility under Section 142(a)(1) of the Code. The proceeds of the Bonds will be loaned to the Borrower. A portion of the proceeds of such loan will be used for the purpose of financing the Project, described below.
  - A. Owner: Kenton County Airport Board
  - B. Initial Occupant/Borrower: AFco MRO CVG, LLC
  - C. Project: A long-term leasehold interest in a tract of land containing an airport facility located on the grounds of the Cincinnati/Northern Kentucky International Airport in Hebron,

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- Kentucky ("CVG Airport"), and consisting of (A) a Maintenance, Repair and Overhaul ("MRO") facility containing approximately 106,000 square feet of hangar, shop and office space, and (B) approximately 83,500 square feet of aircraft parking apron (the "Project")
- D. Project Location: 154 Field Maintenance Drive, Erlanger, KY 41048
  - E. Maximum Principal Amount of Bonds to be issued with respect to the Project:  
\$35,000,000.00

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of Boone County, Kentucky or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of Boone County, Kentucky. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

At the public hearing, any and all persons in attendance will be afforded an opportunity to comment on the proposed Project and the issuance of the Bonds therefor. The public hearing is being held by Boone County, Kentucky and notice thereof is published in accordance with Section 147(f) of the Code and regulations promulgated thereunder. Any individual requiring a special accommodation to participate in said Public Hearing should contact the County in advance of the hearing at (859) 334-3571.

Jeff Earlywine stated the county assumes no responsibility, this is only to publicly acknowledge the project, as the county is the governing body serving in this role. He added the Erlanger address is the mailing address, the project is located in Boone County. Alex Scarola, Greenberg Traurig, LLP representing AFCO MRO CVG, LLC is in attendance to answer any questions. Bob Cicero, citizen asked a question, Alex Scarola answered. Jeff Earlywine, Commissioners Flaig and Brewer asked questions, Alex Scarola answered, followed by discussion. Judge Moore commented this does not change tax rates, the benefit is the creation of jobs.

Judge Moore asked the Fiscal Court Clerk to read into the record, Item VIII. A, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ISSUANCE OF THE PUBLIC FINANCE AUTHORITY AIR CARGO OBLIGATED GROUP REVENUE BONDS (AFCO AIRPORT REAL ESTATE GROUP) SERIES 2023 AND CERTAIN OTHER MATTERS RELATING THERETO. 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 IV.**

**PRESENTATIONS**

- A. None.

**ITEM V.**

**PERSONNEL MATTERS**

- A. None.

**ITEM VI.**

**ORDINANCES**

- A. 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 APPROVING, A REQUEST OF ECE, INC (APPLICANT) FOR TODD BAETEN (OWNER) FOR: (1) A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3); (2) A VARIANCE REDUCING THE BUFFER YARD WIDTH FROM EIGHTY

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(80) FEET TO TEN (10) FEET ALONG THE EAST PROPERTY LINE; AND (3) A VARIANCE REDUCING THE BUFFER YARD WIDTH FROM EIGHTY (80) FEET TO ZERO (0) FEET ALONG THE WEST PROPERTY LINE FOR AN APPROXIMATE 4.1 ACRE AREA LOCATED AT 352 FROGTOWN ROAD, BOONE COUNTY, KENTUCKY, INCLUDING A PORTION OF THE RIGHT-OF-WAY OF FROGTOWN ROAD AND INTERSTATE 71/75. Commissioner Hand moved, seconded by Commissioner Flaig, to adopt the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

**ITEM VII.**

**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 ROBBY BROCKMAN TO THE ARBORETUM ADVISORY COUNCIL. 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).

**ITEM VIII.**

**ADMINISTRATIVE MATTERS**

- A. Read during public hearing.
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING VEHICLES AND MISCELLANEOUS EQUIPMENT AS SURPLUS FROM THE PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE TRANSFER OF A 2007 CASE 590 BACKHOE TO THE BOONE COUNTY FAIR BOARD AT A COST OF \$1,200. Jeff Earlywine commented the backhoe is still usable and will be transferred to the Fair Board, which is a 501c3 organization. The Fairgrounds property is owned by the county and operated by the Fair Board. Commissioners Brewer and Hand asked questions, Jeff Earlywine, Bill Knoebel and Rob Franxman answered, followed by discussion and additional comments by Commissioner Flaig. 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 AN AGREEMENT WITH THE NORTHERN KENTUCKY INDEPENDENT DISTRICT HEALTH DEPARTMENT TO PROVIDE HOUSING INSPECTION SERVICES. Boubacar Diallo, Assisted Housing Director reported the Health Department has a CARE project funded by grants and do not have the capacity to facilitate inspections. The county handles 1,000 inspections already and can add 20 more per year without affecting inspection responsibilities. Judge Moore, Commissioners Brewer, Flaig and Hand asked questions, Boubacar Diallo answered, followed by discussion and additional comments by Commissioner Brewer. 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).
- D. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING CONTRACT MODIFICATION #1 IN THE AMOUNT OF \$79,800 FOR THE GRW ENGINEERS CONTRACT FOR THE KY20 / AVIATION BOULEVARD INTERSECTION IMPROVEMENT PROJECT. Rob Franxman commented on the design alterations with a late change in the bus stop moving. Construction will begin summer 2023 and be completed summer 2024. Commissioner Hand asked a question, Rob Franxman answered. Commissioner Flaig offered comments. Commissioner

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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).

- E. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BIDS FOR GRASS CUTTING TO VARIOUS VENDORS FOR LOCATIONS THROUGHOUT THE COUNTY FOR THE BOONE COUNTY PUBLIC WORKS AND PARKS DEPARTMENTS FOR 2023. David Whitehouse, Parks Director reported the Parks Department does not mow the 1,200 acres of grass. There were 7 bidders this year. The total annualized cost is \$438,190, which is an 8% increase over last year. Commissioner Hand asked a question, David Whitehouse answered. Judge Moore commented that working with the private sector is a better model for the county, and added we have fields at Eagle Manufacturing as well. Commissioners Brewer and Flaig asked a question, David Whitehouse answered. Jeff Earlywine added the public rights-of-ways are included in the bid price. The state provides a \$55,000 reimbursement to help with costs. Tom Sietz, citizen 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).
- 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 PORT-A-LETS TO PRO KLEEN INDUSTRIAL SERVICES, INC. (PORTA KLEEN) FOR PARKS AND GOLF COURSES FOR 2023. David Whitehouse commented that 2 bids were received for 41 port-a-lets and servicing two holding tanks for a total annual cost of \$75,092. Pro Kleen is our current vendor. Commissioner Hand asked questions, David Whitehouse 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).
- G. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT DECLARING THAT IT CLAIMS NO PUBLIC OWNERSHIP INTEREST IN THE ALLEY WAY BETWEEN LOTS 205-214, NOR BETWEEN THE END OF MILLS STREET (FROM ROUTE #20 TO MARTIN MARIETTA PROPERTY) BETWEEN LOTS 172-176 AND LOTS 206-214 IN PETERSBURG, BOONE COUNTY, KENTUCKY. Matthew Webster reported the County Attorney affirmed the right-of-ways were not ever deeded to the county. This is a formal acknowledgement that the county has no interest in the right-of ways. 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).
- H. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE PURCHASE AGREEMENT TO ACQUIRE A 75-ACRE PARCEL OF LAND FROM THE CVG AIRPORT FOR AN ADDITION TO ENGLAND IDLEWILD PARK. Jeff Earlywine reported this property can only be used for public recreation or agricultural purposes. Total cost is \$300,000 or \$4,000 per acre. The dog park will be relocated to this property, using 7 acres, an increase from the 4.5 acres from the previous dog park. Commissioners Hand asked questions, Jeff Earlywine and Judge Moore answered. Commissioner Flaig commented. Bob Cicero, citizen asked a question. David Whitehouse answered. Commissioner Brewer and Jeff Earlywine commented, followed by discussion on the reasoning for purchasing the property. 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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**ITEM IX.**

**FISCAL MATTERS**

- A. Commissioner Brewer moved, seconded by Commissioner Hand to approve Invoice Report and Golf Invoice Report dated January 31<sup>st</sup>, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Flaig moved, seconded by Commissioner Hand to approve Pre-Paid Invoice Reports dated January 26<sup>th</sup>, January 19<sup>th</sup>, January 12<sup>th</sup>, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- C. Commissioner Brewer moved, seconded by Commissioner Hand to approve Fiscal Court Order #15 – A Fiscal Court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$419,292.40, within the adopted Fiscal Year 2022-2023 Budget. Commissioner Hand asked questions, Rob Notton answered. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- D. Commissioner Flaig moved, seconded by Commissioner Hand to accept Monthly Financial Reports for the six-month period ending December 31<sup>st</sup>, 2022. 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.

**ITEM XI.**

**NEW BUSINESS**

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

**ITEM XII.**

**ADJOURNMENT**

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

**NEXT FISCAL COURT MEETING – Tuesday, February 7<sup>th</sup>, 2023 @ 5:30 P.M.**


**Announcements:**

Judge Moore recognized the County Coroner, Missy Rittinger on a letter of accommodation she received.

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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 January 31<sup>st</sup>, 2023.

  
Fiscal Court Clerk

Date: 2/7/23