

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, March 21st, 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 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

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
William Knoebel, Assistant County Attorney
Col. Les Hill, 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 March 21st, 2023, for approval. Commissioner Flaig moved, seconded by Commissioner Hand to approve the Minutes from the March 21st, 2023, meeting as corrected. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

PRESENTATIONS

- A. None.

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 MARCUS RIDER TO THE POSITION OF PROPERTY MAINTENANCE TECHNICIAN FOR THE PROPERTY MAINTENANCE DEPARTMENT. Lori Zombek commented this position is open due to a resignation. Marcus has three years' experience. 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).
- 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 NEW HIRES AND RETURNING GROUNDS SEASONALS AT THE BOONE COUNTY GOLF COURSES. 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).

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- C. 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 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 (4-0).

ITEM V.

ORDINANCES

- A. First 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. Alaina Hagenseker presented via PowerPoint a request for a camper on the property with two (2) conditions, no more than two (2) campers on the property at one time, and the existing fence must be removed or lowered. She reviewed the recreation zone description. The Planning Commission unanimously recommended approval. Commissioner Hand asked questions, Alaina Hagenseker answered. Jack Wells, owner was in attendance and offered additional comments regarding the fencing height. Commissioner Flaig asked a question, Alaina Hagenseker and Jeff Earlywine answered. Jeff Earlywine asked a question, Alaina Hagenseker answered. Judge Moore stated the Second Reading will be on April 4th.
- B. First 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). Alaina Hagenseker presented via PowerPoint a request for one consistent zoning so the owner can sell the property, there are three (3) split zonings. A revised plan, received by the Planning Commission in February was approved unanimously with conditions. Judge Moore asked a question, Alaina Hagenseker answered. Commissioner Hand asked a question, Alaina Hagenseker answered. Judge Moore and Jeff Earlywine offered comments. Commissioners Flaig and Hand asked questions, Jeff Earlywine and Alaina Hagenseker answered, followed by discussions. Judge Moore stated the Second Reading will be on April 4th.

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 SATOSHIA MEYER TO THE VACANT POSITION FOR THE NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT (NKADD)

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COUNCIL ON AGING. Judge Moore commented this is an eight (8) county regional board dealing with aging. Judge Moore commented that Satoshia Meyer works in home health care. 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).

- 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 JAMES PARSONS TO FILL THE VACANT POSITION FOR THE BOONE COUNTY WATER DISTRICT BOARD OF COMMISSIONERS. Judge Moore commented that this position is open due to the resignation of Jeff Eger. Judge Moore added James Parsons is a practicing attorney, was on the TANK board but will be moving off of the board. 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 VII.

ADMINISTRATIVE MATTERS

- A. Judge Moore asked for a motion to take this matter off the table. Commissioner Hand moved, seconded by Commissioner Brewer to take matter off the table. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE RENAMING OF CERTAIN FORMER REMNANT SECTIONS OF GRAVES ROAD AFFECTED BY THE COMPLETION OF THE NEW GRAVES ROAD/KY 495 INTERCHANGE PROJECT. Judge Moore commented that new letters clarifying addresses were mailed. Commissioner Flaig asked a question, Judge Moore and Rob Franxman 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).
- B. 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 AGREEMENT (MOA) AND EXCHANGE OF INFORMATION AGREEMENT WITH THE CITY OF UNION FOR PURPOSING OF ASSISTING THE CITY WITH THE IMPLEMENTATION OF ITS OCCUPATIONAL LICENSE FEE ORDINANCE. Jeff Earlywine reported the city asked the county to collect the tax, after reconsidering, they will serve as their own collection agent. Commissioners Brewer, Hand and Flaig asked questions, Jeff Earlywine, Kim Krugel, Occupational Tax Administrator and Judge Moore answered. Commissioner Hand moved, seconded by Judge Moore, 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 GARY W. MOORE, COUNTY JUDGE/EXECUTIVE TO EXECUTE THE GRANT AGREEMENT FOR THE BRIGHTON RECOVERY CENTER FOR WOMEN RECOVERY KENTUCKY PROJECT IN BOONE COUNTY. Matthew Webster reported this is the annual application for funding and the county is only a pass through for the funds. 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).

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- D. 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 EXECUTE THE LEGALLY BINDING AGREEMENT BETWEEN BRIGHTON RECOVERY CENTER LIMITED PARTNERSHIP AND BOONE COUNTY FISCAL COURT. 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 OF THE BOONE COUNTY FISCAL COURT AUTHORIZING EXECUTION OF SETTLEMENT PARTICIPATION AGREEMENT RELATING TO THE NATIONAL OPIOID LITIGATION, REGARDING LITIGATION WITH A SIGN-ON PERIOD ENDING APRIL 18, 2023. Jeff Earlywine commented this information is no longer confidential. Jordan Dallas Turner, County Attorney, commented these records are public on the County Attorney website. Judge Moore added that payments should start soon. 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).
- F. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING A ONE (1) YEAR EXTENSION TO THE 911 FLEET AND FIRE EQUIPMENT CONTRACT FOR THE INSTALLATION OF PUBLIC SAFETY EQUIPMENT ON LAW ENFORCEMENT VEHICLES. Jeff reported the bid from last year was for one (1) year with two (2) extensions for one (1) year each and the cost is not changing. Commissioner Flaig asked a question, Judge Moore 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 RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING VEHICLES AND MISCELLANEOUS EQUIPMENT AS SURPLUS FROM THE PUBLIC WORKS DEPARTMENT. Rob Franxman commented the items will be placed on GovDeals.com. Commissioner Hand asked a question, Rob Franxman answered. Judge Moore and Jeff Earlywine offered additional comments. 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).

ITEM VIII.

FISCAL MATTERS

- A. Commissioner Brewer moved, seconded by Commissioner Hand to approve Invoice and Golf Invoice Report dated March 21st, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Brewer moved, seconded by Commissioner Flaig to approve Pre-Paid Invoice Reports dated March 16th and March 9th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- C. Commissioner Flaig moved, seconded by Commissioner Hand to approve Fiscal Court Order #19 – A Fiscal Court Order authorizing transfers in the amount of \$243,440.00, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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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. Staff Report – Update and recommendations regarding implementation of the Parks and Recreation Master Plan Report. Jeff Earlywine explained the process of the master plan and added there were open houses, mailed surveys, online surveys, a caucus meeting, and other meetings that took place prior. David Whitehouse, Director of Parks and Recreation presented via PowerPoint. The two (2) projects that were recommended are pickleball courts at Union Park and a handicap accessible playground at Boone Woods. Judge Moore added the money is in the budget. Commissioners Brewer, Flaig and Hand asked questions, answered by Judge Moore and David Whitehouse, followed by discussions. Bob Cicero, citizen asked a question, Judge Moore answered. Commissioners Hand and Flaig asked additional questions, David Whitehouse answered. Commissioner Hand followed up with comments. Commissioner Brewer moved, seconded by Commissioner Hand, to move forward with the plans. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Judge Moore asked if there was any other New Business to come before the Court, Commissioner Hand had two (2) proposals:

1. A proposal on our current Code of Ethics Ordinance, chapter 35. During a recent Ethics complaint review, the Ethics Commission found a gap in the language surrounding a “candidate for office” verses an “elected official”, they clarified in their opinion the ordinance applies to both definitions. It is not clear in the ordinance language; he would like to propose the staff and County Attorney to review the suggested language and draft an ordinance to address the gap. Judge Moore commented on the process. Commissioner Hand moved, seconded by Commissioner Brewer, to create the language and bring back to the Fiscal Court. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
2. Commissioner Hand feels the handling of the Jack’s Farm application withdraw process is ambiguous. 2a) He would like the staff and Planning Commission to consider in section 40 of our zoning regulations to clearly define “application” and “application period”, a definition of both in the zoning regulations would clear up any concerns.
2b) KRS 100.213(2) allows legislative body to prohibit certain applications or plans that are identical. We have not adopted this provision. He is requesting the staff and Planning Commission to review language that needs to be updated within the zoning regulations to allow for the provision of the KRS. Commissioner Hand moved, seconded by Commissioner Brewer, to create a report to define the process. Judge Moore commented this would be brought back to the Fiscal Court. Judge Moore asked if this would be an ordinance or a resolution. Jeff Earlywine answered it could be either. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM XI.

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, April 4th, 2023 @ 8:30 A.M.


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Announcements:

Boone County Parks is hosting a nighttime egg hunt on March 24 at 7:45pm at England Idlewild Park for children 6-10 years old. David Whitehouse reported the registration is full.

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 March 21st, 2023.



Fiscal Court Clerk

Date: 4/4/23