

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, May 9th, 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 Jesse A. Brewer 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
Jordan Dallas Turner, County Attorney
William Knoebel, Assistant County Attorney
Col. Les Hill, Sheriff's Department
Shona Schulkers, Fiscal Court Clerk

Members of the Staff Absent:

Lori Zombek, Director of Human Resources

ITEM II.

APPROVAL OF MINUTES

- A. Judge Moore presented the Minutes from the Fiscal Court Meeting of April 18th, 2023, for approval. Commissioner Flaig moved, seconded by Commissioner Hand to approve the Minutes from the April 18th, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

PRESENTATIONS

- A. Steve Rawlings, State Representative, 66th District and Marianne Proctor, State Representative, 60th District presented a Legislative Update. Representative Proctor reported there were 1,006 bills filed with 176 passed in the 30-day session this year. In addition, one of her legislative priorities is repealing the Certificate of Need (CON), which requires that any other healthcare facility to come into the state would need to get permission. She would like to reform the CON and is advocating to have competing services. She is asking the Fiscal Court to support this by resolution, other states and cities have already done so. There is a task force that is being formed to study the CON. Representative Rawlings reported that the Governor vetoed 15 bills which were all overridden, \$9.3 million was spent by lobbyist and he discussed the challenges with leadership in Frankfort. Commissioners Hand, Flaig and Brewer asked questions, Representatives Rawlings and Proctor answered. Commissioner Hand asked another question, Judge Moore answered. Commissioner Hand requested to bring this to the court to present. Judge Moore stated this is not a county government issue, but a state issue. Judge Moore added if the Commissioners would like to bring it to the court, they can work on language and present at the next meeting.

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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 SCOTT HOPPIUS TO THE POSITION OF SEASONAL BUILDING INSPECTOR FOR THE BOONE COUNTY BUILDING DEPARTMENT. Lana Vines, Human Resources Manager presented the candidate. 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 APPOINTMENTS, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL NEW HIRES AT THE BOONE COUNTY GOLF COURSES. Commissioner Hand asked a question, Lana Vines 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).
- 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 SEASONAL NEW HIRES FOR GROUNDS MAINTENANCE AT THE BOONE COUNTY GOLF COURSES. 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).
- D. 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 AND RETURNING SEASONAL STAFF FOR THE BOONE COUNTY PARKS DEPARTMENT. 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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MATTHEW WEBSTER TO THE POSITION OF COUNTY ADMINISTRATOR EFFECTIVE AUGUST 1, 2023, AND THE APPROVAL OF THE EMPLOYMENT CONTRACT FOR THE BOONE COUNTY JUDGE/EXECUTIVE OFFICE. Judge Moore presented Matthew's background and stated that after Jeff Earlywine's retirement announcement this will allow recommendations for restructuring and having a plan in place. Commissioners Hand and Flaig commented. Mr. Cicero, citizen asked questions, Judge Moore answered. Jeff Earlywine added comments. Judge Moore added comments. Matthew Webster commented it's an honor to move the county forward. 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).

ITEM V.

ORDINANCES

- A. 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, WITH CONDITIONS, FOR A REQUEST OF DMG RENTALS 14 LLC, PER DAN GREENE

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(APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM OFFICE ONE (O-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR AN APPROXIMATE 1.44 ACRE AREA LOCATED ALONG THE NORTH SIDE OF BOONE AIRE ROAD, BETWEEN BURLINGTON PIKE AND GLEN ARBOR DRIVE, APPROXIMATELY 550 FEET WEST OF BURLINGTON PIKE, BETWEEN 1130 AND 1166 BOONE AIRE ROAD, AND BEING PART OF THE PROPERTY WITH A PARCEL IDENTIFICATION NUMBER (PIDN) OF 061.00-00-039.01, BOONE COUNTY, KENTUCKY. Todd Morgan, Planning and Zoning Senior Planner presented the proposal via PowerPoint. The request is for a zone change in a small area to allow additional apartments and parking. There is 11.06 acres which is zoned UR-1 which will be used for 132 apartments. With the zone change of the 1.44-acre area, they will be able to add 18 more apartments for a total of 150. The property was zoned in 1992 and may have been an error in the small area that should have been UR-1, it was zoned O-1. He reported once the Super Street Plan on KY18 is complete (construction to begin in 2024), there will only be a right turn from Boone Aire Road to KY18. The Planning Commission reviewed all the public comments and recommended approval. Without the rezoning of the 1.44 acre-area, there will be 132 apartments. He presented the conditions as well. Commissioner Flaig asked a question. Todd Morgan answered. Judge Moore asked if there was anyone for the project that would like to speak, Jeff Flaherty, Cardinal Engineering was in attendance to answer any questions. Judge Moore asked if there was anyone in opposition that would like to speak, the following citizens spoke: Randy Bookman, Lloyd Friend, Mike Lyman, Doug Holmes, and Jim Stone. Judge Moore asked a question, Rob Franxman answered. Commissioners Hand and Flaig asked questions, Rob Franxman, Judge Moore, and Jeff Earlywine answered. Commissioner Hand asked questions and added comments, Rob Franxman and Todd Morgan answered. Judge Moore added comments. Discussions ensued. Commissioner Flaig asked a question, Jeff Flaherty answered. Commissioners Hand and Flaig would like additional clarification on some of their questions. Judge Moore stated the Second Reading will be on May 23rd.

- B. 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 ORDINANCE NO. 2019-17, ENACTED ON JULY 23, 2019, AND LAST AMENDED ORDINANCE NO. 2022-06 ON FEBRUARY 22, 2022, RELATING TO THE USE OF GOLF CARTS ON CERTAIN DESIGNATED COUNTY STREETS AND ROADWAYS IN THE LINKS SUBDIVISION. Rob Franxman reported that additional streets have been approved for golf cart use. Commissioner Hand asked questions. Rob Franxman answered. Commissioner Flaig asked a question, Matthew Webster answered. Judge Moore stated the Second Reading will be on May 23rd.
- C. 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, WITH CONDITIONS, OF WCG HOLDINGS, LLC, PER JUSTIN COOPER (APPLICANT) FOR ERIC DETERS (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE (I-1) DISTRICT FOR AN APPROXIMATE 13 ACRE AREA LOCATED AT 159 WALTON NICHOLSON ROAD, BOONE COUNTY, KENTUCKY. Mike Schwartz, Planning and Zoning Director, Zoning Services presented the proposal via PowerPoint. The request is for a concept development change for a 60,000 square foot e-commerce warehouse building. A zone change to I-1 was approved in 2021. The property is vacant, the comprehensive plan identifies the area for industrial use. There was a unanimous approval by the Planning Commission with eight (8) conditions. Judge Moore asked if there was anyone for the project that would like to speak, Justin Cooper was in attendance to answer any questions. Commissioner Flaig asked a question, Justin Cooper answered.

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Commissioner Hand asked a question, Mike Schwartz answered. Commissioner Brewer added comments. Commissioner Hand asked questions, Justin Cooper answered. Judge Moore asked if there was anyone in opposition that would like to speak, there was none. Judge Moore stated the Second Reading will be on May 23rd.

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 TIMOLA HALL TO FILL THE VACANT POSITION FOR THE PETERSBURG FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. 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 AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CHUCK SESSION TO FILL THE UNEXPIRED TERM FOR THE BOONE-FLORENCE WATER COMMISSION. 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 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 AWARDING THE BID FOR STOP LOSS COVERAGE FOR ITS SELF-FUNDED HEALTH INSURANCE PROGRAM TO SKYWARD (FORMERLY GREAT MIDWEST INSURANCE COMPANY) WITH A PREMIUM \$448,109.00. Jeff Earlywine stated the coverage and pricing is shopped each year. Options were limited this year. Received two (2) bids. The policy also includes organ transplant coverage. 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).
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A LEASE AGREEMENT WITH BOONE COUNTY KNOTHOLE FOR THE USE OF RIVERSHORE SPORTS PARK LOCATED AT 7842 RIVER ROAD, HEBRON, KENTUCKY. David Whitehouse, Parks Director reported on the one (1) year lease agreement with Knothole. We currently have 39 fields and 127 teams, having the extra fields will help a lot. 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).
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING AS SURPLUS OLD MOBILE DEVICES BEING SUBMITTED FOR AUCTION FROM THE BOONE COUNTY JAIL. Jason Gamble, Information Systems Director reported on jail surplus for mobile devices. 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).

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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 DECLARING AS SURPLUS POWER EQUIPMENT BEING SUBMITTED FOR AUCTION FROM THE PROPERTY MAINTENANCE DEPARTMENT. Matthew Webster reported the equipment is a table saw which has been replaced, there is no need by another department. 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 AWARDING THE BID FOR THE HOUSEHOLD WASTE VOUCHER PROGRAM TO BAVARIAN TRUCKING COMPANY. Rob Franxman reported on the voucher program which was started in lieu of the seasonal clean up event. Two (2) bids were received. Bavarian has held the pricing for two (2) years at \$25 per voucher. Commissioner Hand asked a question, Rob Franxman 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).
- F. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE EXTENSION TO THE COMPASS MATERIALS CONTRACT FOR THE SUPPLY OF ROCK SALT MATERIAL FOR THE UPCOMING FISCAL YEAR 2024 SNOW SEASON. Rob Franxman reported on the salt contract at \$99.95 per ton with yearly extensions at \$104.95 per ton. We can participate in the KACo reverse salt auction, if that price is lower, there is no obligation to Compass. 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).
- G. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING AN EXTENSION OF AN EXISTING LEASE AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY FOR PROPERTY LOCATED AT 2995 WASHINGTON STREET, BURLINGTON, KENTUCKY. Matthew Webster reported on the lease agreement with an increase of 10%, which was approved by the state. Revenue is \$54,437 annually. 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).
- H. 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 CONSULTATION SERVICES FOR COUNTY COMMUNICATIONS ASSESSMENT AND PLANNING SERVICES TO VEHR COMMUNICATIONS. Judge Moore commented that at our planning meeting in January it was determined the county needed to increase our communication with the citizens. With the transition of an employee leaving, developing a communication strategy was timely. Matthew Webster reported the staff created an RFP, four (4) submissions received with three (3) firms invited to present to the team. Vehr Communications is a total cost not to exceed \$30,000. They will present recommendations once their assessment is complete. Commissioner Hand asked questions and offered comments. Judge Moore answered. Commissioner Brewer asked questions and offered comments. Matthew Webster answered. Commissioner Hand asked Jordan Turner a question, she will get back with him on an answer. Mr. Cicero asked a question, Matthew Webster answered. Judge Moore added comments. 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).

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- I. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A CONTRACT MODIFICATION AND AGREEMENT WITH KYTC FOR GRANT FUNDING FOR THE KY20/AVIATION BOULEVARD INTERSECTION IMPROVEMENT PROJECT. Rob Franxman reported on an amendment to an MOA with GRW Engineers for an additional \$50,000. Construction will begin late summer/early fall. 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 Reports dated May 9th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Hand moved, seconded by Commissioner Brewer to approve Pre-Paid Invoice Reports dated May 4th, April 27th, and April 20th, 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 #24 – A Fiscal Court Order authorizing transfers in the amount of \$300,946.00, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- D. Commissioner Hand moved, seconded by Commissioner Brewer to approve Fiscal Court Order #25 – A Fiscal Court Order authorizing transfers in the amount of \$43,500.00, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- E. Commissioner Brewer moved, seconded by Commissioner Hand to receive the Monthly Inter-Fund Transfer Report for March 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- F. Commissioner Flaig moved, seconded by Commissioner Brewer to receive the Monthly Financial Report for the nine-month period ending March 31, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM IX.

OLD BUSINESS

- A. Jordan Turner, County Attorney, Report:
1. Proposed amendment to County Ethics Ordinance. Bill Knoebel reported on the Ethics opinion. Fiscal Court can rephrase the original request. Commissioner Hand asked a question, Bill Knoebel answered. Judge added comments. Discussions ensued.
 2. Proposed amendments to Zoning Ordinance relating to planning and zoning policies. Jordan Turner reported the court can amend the ordinance with parameters on the application period. Commissioner Hand commented. Bill Knoebel reported the statute does allow adoption of a period of two (2) years and can also be a shorter time. This is a policy decision. Commissioner Brewer

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and can also be a shorter time. This is a policy decision. Commissioner Brewer asked a question. Bill Knoebel answered. Commissioner Brewer added comments. Commissioner Hand asked questions. Discussions ensued. Judge Moore, Commissioner Flaig, Bill Knoebel and Jordan Turner added comments. Brian Miller, Vice President of the Building Industry Association spoke about the lack of affordable housing and the increase in demand due to growth in NKY. He requested that the court not to support the change in the application period. Commissioner Brewer asked a question, Brian Miller answered. Commissioner Hand added comments. Commissioner Flaig asked a question, Bill Knoebel answered. There will be no action tonight.

Judge Moore asked if there was any other Old Business to come before the Court. There was none.

ITEM X.

NEW BUSINESS

A. Jeff Earlywine, Staff Report:

1. Policy research regarding alcoholic beverage consumption/use in county parks. Jeff Earlywine reported that through his research, he found that other cities do not allow alcohol in the parks, some do have a special provision allowing alcohol during special events. After contacting the county's insurance carrier to see if there would be a premium increase, there would be none. Commissioner Brewer commented he is in favor and would like to see an amendment to the ordinance.

Judge Moore asked if there was any other New Business to come before the Court. There was none.

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).

SPECIAL CAUCUS MEETING – Thursday, May 11th, 2023 @ 5:30 P.M.

NEXT FISCAL COURT MEETING – Tuesday, May 23rd, 2023 @ 5:30 P.M.

Announcements:

None.

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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 May 9th, 2023.



Fiscal Court Clerk

Date: 5/23/23