

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, November 15th, 2022
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 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
Charles E. Kenner, Commissioner, District 2
Jesse A. Brewer, Commissioner, District 3
Robert D. Neace, County Attorney
Gwen Vice, Assistant County Attorney

Members of the Staff Present:

Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Mathew 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 October 25th, 2022 for approval. Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Minutes from the October 25th, 2022 meeting. Judge Moore called for a vote on the motion, MOTION PASSES (3-0, 1 abstention by Commissioner Brewer).

ITEM III.

PRESENTATIONS

- A. Judge Moore stated that Stephanie Allgeyer with VonLehman and Associates was ill and could not attend the meeting to present the FY 2020 Audit report. Judge Moore asked the court to table this item. Commissioner Kenner moved, seconded by Commissioner Brewer to table the item. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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 RATE CHANGE, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF A CURRENT SEASONAL EMPLOYEE FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek commented the employee received his Certified Pesticide License. Commissioner Flaig moved, seconded by Commissioner Kenner, 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 PROMOTION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MATTHEW LIGON TO THE POSITION OF ANIMAL CONTROL OFFICER II FOR THE BOONE COUNTY ANIMAL CARE AND CONTROL DEPARTMENT. Lori Zombek commented the promotion is due to restructuring in the

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department. 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).

- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE PROMOTION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF JARED SCHILD TO SHIFT SUPERVISOR FOR THE PUBLIC SAFETY COMMUNICATION CENTER. Lori Zombek commented this position has been open for 5 months. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SHAUNA MARQUIS TO THE TELECOMMUNICATION POSITION (DISPATCHER) FOR THE PUBLIC SAFETY COMMUNICATION CENTER. Lori Zombek 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 (4-0).

ITEM V.

ORDINANCES

- A. Judge Moore asked the Fiscal Court Clerk to read into record, a Second Reading of AN ORDINANCE OF THE COUNTY OF BOONE, KENTUCKY (THE "COUNTY") ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE COUNTY OF BOONE, KENTUCKY, TO BE KNOWN AS THE UNION PROMENADE DEVELOPMENT AREA (THE "DEVELOPMENT AREA"); APPROVING A LOCAL PARTICIPATION AGREEMENT; ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF REDEVELOPMENT ASSISTANCE; DESIGNATING THE FINANCE DEPARTMENT OF THE COUNTY OF BOONE, KENTUCKY, AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION, AND IMPLEMENTATION OF THE DEVELOPMENT AREA; AND AUTHORIZING THE COUNTY JUDGE/EXECUTIVE AND OTHER OFFICIALS TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE DEVELOPMENT AREA. Jeff Earlywine reported there have been no changes to the Development Plan since the first reading. The administration reviewed the Local Participation Agreement and have (4) four amendments that have been agreed to by the developer. 1) Change to Administrative T.I.F. fee, section 2 from 2% to 4%. 2) Change in terminology, section 5, change "occupational license accounts" to "payroll journals" 3). Added language, section 6 advising new businesses in the area they are in a special (taxing) T.I.F. district 4) Added language, section 6 that incremental revenue reimbursements that are required can be withheld if there are any occupational tax filing delinquencies. Judge Moore asked if there were any questions. T.J. Ackerman, Developer spoke and agrees with the changes that were recommended. Commissioner Kenner moved, seconded by Commissioner Brewer, to adopt the ordinance. 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 record, a Second Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF PRIME ENGINEERING, INC., PER ALISON CHADWELL (APPLICANT) FOR BT-OH, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN ESTATES (RSE) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 12 ACRE AREA LOCATED ALONG THE WEST SIDE OF

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DIXIE HIGHWAY, BETWEEN TRANSPORT DRIVE AND RICHWOOD ROAD, APPROXIMATELY 500 FEET NORTH OF TRANSPORT DRIVE AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 076.00-00-003.06, BOONE COUNTY, KENTUCKY. Jeff Earlywine commented there have been no changes since the first reading. This is for an expansion of their parking facility. Commissioner Flaig moved, seconded by Commissioner Brewer, to adopt the ordinance. 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 record, Second Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF AL NEYER, PER MELISSA JOHNSON (APPLICANT) FOR GRAVES FAMILY REAL ESTATE LLC, DOUGLAS AND DONNA CONNER, CASEY A. MARCH, LARRY AND ELIZABETH GOODRIDGE, AND MICHAEL S. AND LARA A. GOODRIDGE (OWNERS) FOR A ZONING MAP AMENDMENT FROM GRAVES ROAD – COMMERCIAL (GR-C) AND GRAVES ROAD – BUSINESS PARK (GR-BP) TO GRAVES ROAD – BUSINESS PARK/PLANNED DEVELOPMENT (GR-BP/PD) FOR AN APPROXIMATE 137 ACRE AREA LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSTATE 275 (I-275)/GRAVES ROAD INTERCHANGE AN BEING THE PROPERTIES LOCATED AT 2944 PETERSBURG ROAD, 2928 PETERSBURG ROAD, 2918 PETERSBURG ROAD, 2888 GRAVES ROAD, 2890 GRAVES ROAD, 2650 GRAVES ROAD, 2648 GRAVES ROAD, THE PROPERTY WITH THE FOLLOWING PROPERTY IDENTIFICATION NUMBER (PIDN): 036.00-00-016.02, AND A PORTION OF THE PROPERTY LOCATED AT 2678 GRAVES ROAD, BOONE COUNTY, KENTUCKY. Commissioner Brewer announced he is going to recuse himself from participating in this item as he disclosed, he presently has a business transaction with a client who is one of the members a part of the Graves Road family estate. As such, he wants to refrain from participating. At this time Commissioner Brewer got up and left the fiscal court meeting room. He added, he is going to recuse himself from the second reading on November 29th as well. Judge Moore asked Kevin Costello, Planning Services Director if there were any updates, he answered, there are no updates. Jeff Earlywine commented this project was a recommendation of approval with (11) eleven conditions by a 7-4 vote. Judge Moore reminded the audience that any public comments should be different than those heard at the first reading. Brian Dunham, Dunham Law for the applicant asked for the court to vote in favor. Chet Hand spoke in opposition; he said it doesn't meet the Graves Road Study requirements. Alvin Poweleit asked if his email was received, Judge Moore answered, yes it was. Pat Moore, Architect with Al Neyer commented the project is consistent with the Graves Road Study. Amy Stauffer spoke in opposition; she said the Litton Lane extension will not be used by the project and said non-residents are taking over. Don Stegman, Cardinal Engineering commented the Litton Lane extension will be used by the project, it will relieve some of the traffic from Litton Lane and KY 237. Commissioner Kenner commented on a past project and said the residents were happy once completed and they will be happy with this project as well. Commissioner Flaig said she believes Levi Strauss will be a good neighbor. Judge Moore commented the standard planning and zoning process was used for this project, and it is a good project. Commissioner Kenner moved, seconded by Commissioner Flaig, 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 BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST OF CHRISTOPHER J. KIELY AND LAURA VANRIJSWIJCK KIELY (APPLICANTS/OWNERS) FOR A ZONING MAP AMENDMENT FROM GRAVES ROAD – RESIDENTIAL (GR-R) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR AN APPROXIMATE 1.4 ACREA AREA LOCATED AT 2250 WILLIAMS ROAD, BOONE COUNTY, KENTUCKY.

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Commissioner Brewer returned to the fiscal court meeting room. Kevin Costello presented for Mike Schwartz the zone change request at a site in the Graves Road Study area. The owner would like to re-zone back to the original zone so that he may have a 60' buffer instead of a 10' buffer, and be able to sell to a developer in the future. Chris Kiely, owner explained his request and said he did not know he was giving back his setback. No further comments.

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 ROBERT CARLIN AND LINDA PADGETT TO THE BOONE COUNTY EXTENSION DISTRICT BOARD. Commissioner Kenner 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 court to table, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MARY ALICE GRUDEN AND RICHARD GERWE TO THE TAX ADVISORY BOARD ON AGING. Judge Moore commented that Mary Alice Gruden will not be re-appointed, she will be removed from the resolution, and it will be added to the November 29th meeting. Commissioner Flaig moved, seconded by Commissioner Brewer, to table 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 RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF KATHY REUTMAN-BRYANT TO THE TAX ADVISORY BOARD ON INTELLECTUAL DISABILITY. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF THERESA CRUZ TO THE TAX ADVSORY BOARD ON AGING. 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 AFFIRMING ITS SUPPORT AND LOCAL FUNDING MATCH COMMITMENT WITH THE CITY OF FLORENCE FOR THE WEAVER ROAD SIDEWALK PROJECT. Jeff Earlywine stated the court gave preliminary approval during the last Fiscal Court meeting to partner with the city on the multi-use path project, that will run along the north side of Weaver Road starting at the fire station heading easterly, less than (1) one linear mile. The city has awarded the bid to Sunesis Construction Company at a total cost of \$1,947,463. The county's local match will not exceed \$1,056,105 with grant funds being provided for the balance. The City of Florence will administer the project, and this will formalize the preliminary action taken (2) two weeks ago. Rob Franxman mentioned we have been discussing this project with the city for (3) years. Sunesis Construction, Cincinnati based comany just completed the Peel Road bridge for the county and do a lot of work for the transportation cabinet. Jeff Earlywine commented the total project cost is \$2.3 million with no

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contingencies. The SNK grant funds from OKI is \$400,000. Commissioner Kenner 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 DECLARING VEHICLES AND MISCELLANEOUS EQUIPMENT AS SURPLUS FROM THE PUBLIC WORKS DEPARTMENT. 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 GARY W. MOORE, JUDGE/EXECUTIVE, TO SIGN AND EXECUTE ALL LEGAL DOCUMENTS PERTAINING TO DONATED RIGHT OF ENTRY, TEMPORARY EASEMENTS AND PERMANENT EASEMENTS GRANTED TO THE COUNTY IN RELATION TO THE BOONE COUNTY RURAL WATER PHASE 2 EXPANSION PROJECT. Matthew Webster reported this item is related to Group A (Woolper and Snyder Roads) we are near final design on the project. There are (5) parcels where we need to come just slightly off the right-of-way. Residents are donating the right-of-ways, there will be no cost to the county. Commissioner Flaig moved, seconded by Commissioner Kenner, 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 Flaig to approve Invoice Report and Golf Invoice Report dated November 15th, 2022. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Kenner moved, seconded by Commissioner Flaig to approve Pre-Paid Invoice Reports dated November 10th, November 3rd, and October 27th, 2022. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- C. Commissioner Brewer moved, seconded by Commissioner Kenner to approve Fiscal Court Order #10 – A Fiscal Court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$208,043.31, within the adopted Fiscal Year 2022-2023 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- D. Judge Moore asked the court to table, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING THE COMPLETION AND ACCEPTANCE OF THE FY 2020 AUDIT REPORT. Commissioner Brewer moved, seconded by Commissioner Kenner, to table the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- E. Staff Presentation on first quarter FY23 (July 1 – September 30) report. Jeff Earlywine reported the highlights of the first quarter, a detailed summary is included in the staff report. Commissioner Brewer moved, seconded by Commissioner Kenner, to accept the report. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM IX.

OLD BUSINESS

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

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ITEM X

NEW BUSINESS

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

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, November 29th, 2022 @ 5:30 P.M.


Announcements:

County offices will be closed for the Thanksgiving holiday - Thursday, November 24 and Friday, November 25.

The last day for Gwen Vice, Assistant County Attorney is Wednesday, November 30, 2022.

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 November 15th, 2022.



Fiscal Court Clerk

Date: 11/30/22