

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, November 29th, 2022
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. Judge Gary W. Moore 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
William G. Knoebel, 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
Gary Peace, 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 November 15th, 2022 for approval. Commissioner Kenner moved, seconded by Commissioner Brewer to approve the Minutes from the November 15th, 2022 meeting. 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 EMILY LEMANCHE TO THE TELECOMMUNICATION POSITION (DISPATCHER) FOR THE PUBLIC SAFETY COMMUNICATION CENTER. Lori Zombek presented the candidate. 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 BAYLEE MOFFETT TO THE POSITION OF LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek commented the position is open due to a resignation, Baylee has worked for the County previously. 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).

MINUTES
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ITEM V.

ORDINANCES

- A. 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, 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 ACRE AREA LOCATED AT 2250 WILLIAMS ROAD, BOONE COUNTY, KENTUCKY. Jeff Earlywine commented there has not been any changes since the first reading, this is to ensure proper setbacks. Commissioner Flaig moved, seconded by Commissioner Kenner, to adopt the ordinance. Commissioner Brewer recused himself from voting. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. 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 WITH CONDITIONS, A REQUEST OF TANENBAUMS LLC, PER DAMIAN TANENBAUM (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL ONE (C-1) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 0.4 ACRE AREA LOCATED AT 11568 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. Alaina Hagenseker, Planner reported via PowerPoint for a zoning map amendment to allow a fitness club with parking. This was unanimously approved by the Planning Commission with (1) one condition, outside storage would not be permitted. Judge Moore asked if the parking lot would be paved or gravel. Alaina Hagenseker answered it will be paved. Rob Franxman commented, there will only be (1) one entrance into the parking lot. Commissioner Flaig asked how wide the parking lot entrance would be, it will be 24' wide. Commissioner Brewer commented this is an existing business that is moving to a permanent location.
Proposed Second Reading December 6th.
- C. 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, WITH CONDITIONS, A REQUEST OF FROST BROWN TODD LLC, PER TANNER NICHOLS (APPLICANT) FOR PERFETTI VAN MELLE USA INC., PER HOLLY INGRAM (OWNER) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 25.7 ACRE SITE LOCATED AT 3645 TURFWAY ROAD, BOONE COUNTY, KENTUCKY. Todd Morgan, Senior Planner reported via PowerPoint for a zoning map amendment for a special sign district to allow free standing and building mounted signage. The sign district is for (4) four signs for replacement. This was unanimously approved by the Planning Commission based on the drawings reviewed. Judge asked if there was anyone in opposition, there were none. Jeff Earlywine asked if this request would still need to take place if the new zoning ordinance was already approved. Todd Morgan answered, yes it would since it is included in the special sign regulation within the Houston-Donaldson Study.
Proposed Second Reading December 6th.
- 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, WITH CONDITIONS, A REQUEST OF CORPOREX PARKS OF KENTUCKY, INC., PER NICOLE CHIMENTO AND THOMAS BANTA (OWNER/DEVELOPER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) DISTRICT TO URBAN RESIDENTIAL THREE/PLANNED DEVELOPMENT (UR-3/PD) DISTRICT FOR AN APPROXIMATE 8.3 ACRE AREA LOCATED AT 3337, 3339, 3341, 3343, 3347 AND 3351 MINEOLA PIKE, 3340 BOONELAND TRAIL AND PART OF 3336 BOONELAND TRAIL, BOONE COUNTY,

MINUTES
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5:30 P.M.

KENTUCKY. Mike Schwartz, Director, Zoning Services reported via PowerPoint for a zoning map amendment to allow a multi-family residential development. Corporex is acquiring additional property in the area. The plan submitted is for (270) 4 story multi-family units. This was unanimously approved by the Planning Commission with (9) nine conditions. Judge Moore asked if there would be commercial space on the lower level, Mike Schwartz answered no, only residential. Commissioner Flaig asked how much more land is still left to be developed. Nicole Chimento, Corporex answered, there are (5) five houses they do not own, they are looking to acquire (1) one house. Jeff Earlywine asked about condition #6, an acknowledgment there is airport noise in the area and the developer agrees to not look at the airport for any mitigation due to airport noise. How would that be enforced if there were any changes? Mike Schwartz answered the condition was written so the airport would not be responsible, and it will be enforceable.

Proposed Second Reading December 6th.

- E. Judge Moore asked the Fiscal Court Clerk to read into record, a First Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY ADOPTING AND APPROVING AMENDMENTS TO ZONING REGULATIONS, BOTH TEXT AND ZONING MAP FOR BOONE COUNTY, KENTUCKY, THESE ZONING REGULATIONS, BOTH TEXT AND ZONING MAP, HAVING BEEN PREPARED AND NOW RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION FOR ADOPTION PURSUANT TO THE PROVISIONS OF CHAPTER 100 OF THE KENTUCKY REVISED STATUTES TO UPDATE THOSE ZONING REGULATIONS FOR TIMELY AND APPROPRIATE IMPLEMENTATION OF THE 2019 BOONE COUNTY COMPREHENSIVE PLAN THAT IS ENTITLED "OUR BOONE COUNTY PLAN 2040". Mike Schwartz reported via PowerPoint and reviewed the "Statutory Authority", the County must have a comprehensive plan, the most current plan was adopted in June 2019. He reviewed "Process", which is ongoing, "Project History", which started in October 2020, "Significant Changes" with each article, "Mapping Issues", "Post Draft Submittals", and "Mapping Issues Not to Be Changed". Judge Moore reminded the residents and those in the business community to review this on the webpage, to be a part of the process and give input. Mr. Cicero asked why crypto-currency mining was removed, Mike Schwartz answered there is little to no employment, the facilities take up massive amounts of electricity and water for the computer banks. Judge Moore added if anyone has a technical question on where to find information on the website, to contact the Planning Commission. Any questions related to policy decision, can call Shona Schulkers in the Judge/Executive office. Kevin Costello, Executive Director commented the primary reason we update the regulations is because the community is changing and growing. The goal is to have one development code that combines zoning regulations and subdivision regulations into one document. Judge Moore commented this update happens about every (5) five years.

Proposed Second Reading December 20th.

Jeff Earlywine, added the zoning map amendment for Our Lady of Good Counsel Church on Beaver Road in unincorporated Boone County will not be presented to the Fiscal Court as the City of Walton will be annexing that property.

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 RICHARD GERWE AND THE APPOINTMENT OF MELANIE SPERLING TO THE TAX ADVISORY BOARD ON AGING. 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)

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
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5:30 P.M.

- B. 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 BOB BOSWELL TO THE SANITATION DISTRICT NO. 1 BOARD OF DIRECTORS. 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 TIM ALEXANDER, JR. TO THE BOONE COUNTY WATER DISTRICT. 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)
- D. 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 GREG AMMON, JOHN WALTON, AND DAVID WHITEHOUSE TO THE ARBORETUM ADVISORY COUNCIL. 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 AWARDDING THE BID FOR THE FY23 ASPHALT PAVING AND MILLING PROGRAM IN THE HEBRON AREA TO PAUL MICHELS & SONS AT THE BID PRICE OF \$255,954.50. Rob Franxman reported the bid went out for (4) four areas, there were (3) three bids received. Completion date will be September 1st, 2023. 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 AWARDDING THE BID FOR THE FY23 ASPHALT PAVING AND MILLING PROGRAM IN THE UNION – WALTON AREA TO RIEGLER BLACKTOP AT THE BID PRICE OF \$767,185.75. Rob Franxman reported, there were (3) three bids received. Completion date will be September 1st, 2023. 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).
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR THE FY23 ASPHALT PAVING AND MILLING PROGRAM IN THE BURLINGTON AREA TO RIEGLER BLACKTOP AT THE BID PRICE OF \$479,355.20. Rob Franxman reported, there were (3) three bids received. Completion date will be September 1st, 2023. There will be a fourth paving package coming that will close out the remaining funds in the FY23 budget. Mr. Cicero asked if there were any other projects involving the real estate tax revenue created (2) two years ago. Rob Franxman answered no, we will have a presentation at a future meeting about how that money should be spent. 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).

MINUTES
BOONE COUNTY FISCAL COURT
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Tuesday, November 29th, 2022
5:30 P.M.

- 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 SIDEWALK CONSTRUCTION SERVICES AT US 42 & FARMVIEW DRIVE TO RECTOR EXCAVATING, INC. AT THE BID PRICE OF \$94,829.00. Rob Franxman reported, there were (5) five bids received. This will be a project with Union and Florence. Completion date will be June 30th, 2023. The County will be reimbursed 11.6% of the total project costs by Florence and 38.4% by Union, resulting in the County's total cost of \$48,000. 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).
- E. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE TOTAL ALLOCATION REQUEST OF \$141,096 FOR THE CAPITAL FUNDS PROGRAM SUPPORTED BY AGING, INTELLECTUAL DISABILITY, AND MENTAL HEALTH PAYROLL TAX FUNDS FOR FY 2023. Laura Pleiman, Human Services Director reported on the program via PowerPoint. There were (6) six requests to include Brighton Center, New Day Ranch, Panorama Plus, Easterseals Redwood and The Point, with (2) two being repeat clients. There have been (4) four funding cycles over (3) three years. 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).

ITEM VIII.

FISCAL MATTERS

- A. Commissioner Flaig moved, seconded by Commissioner Brewer to approve Invoice Report and Golf Invoice Report dated November 29th, 2022. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Kenner moved, seconded by Commissioner Brewer to approve Pre-Paid Invoice Reports dated November 23rd and November 17th, 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 #11 – A Fiscal Court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$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).

ITEM IX.

OLD BUSINESS

- A. Judge Moore asked if there was any Old Business to come before the Court, Mr. Cicero asked to confirm surplus amounts within the unbudgeted revenues. Judge Moore commented, 25% of operating costs is saved for reserves. Jeff Earlywine suggested Mr. Cicero review the FY23 budget document available online.

ITEM X

NEW BUSINESS

- A. Judge Moore asked if there was any New Business to come before the Court, Adam Kennett with Kennett Truckstop in Greendale asked about placing a billboard in between the Mineola Pike exit and Hebron exit. A meeting will be scheduled to discuss.

MINUTES
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ITEM XI.

ADJOURNMENT

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

NEXT FISCAL COURT MEETING – Tuesday, December 6th, 2022 @ 5:30 P.M.

Announcements:

The Boone County Holiday Tree Lighting will be held at the Burlington Commons, 2951 Washington Street, Burlington on Saturday, 12/3 at 4pm. There will be music, refreshments, crafts, a visit from Santa and the lighting of the Christmas tree.

The Boone County ENGAGE Program is now accepting applications for the 2023 class. Applications can be completed on our website. The deadline is December 31st, 2022.

Commissioner Flaig announced that R.A. Jones' wife, Jean, passed away recently.

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 29th, 2022.


Fiscal Court Clerk

Date: 12/6/22