

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 10th, 2023
5:30 P.M.

ITEM I.

CALL TO ORDER

- A. Matthew Webster announced that Judge Gary W. Moore is not able to preside and asked for a motion to nominate a Commissioner as the presiding officer. Commissioner Brewer motioned to appoint Commissioner Flaig as the presiding officer, seconded by Commissioner Hand, to appoint Commissioner Flaig to call to order the meeting of the Boone County Fiscal Court. Matthew Webster called for a vote on the motion, MOTION PASSES (3-0). Commissioner Flaig called the meeting to order.
- B. Commissioner Chet Hand presented the Invocation and the Pledge to the Flag.

Members of the Court Present:

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:

Matthew H. Webster, County Administrator/Deputy Judge/Executive
Matt Dowling, Deputy County Administrator
Robert Franxman, County Engineer/Assistant County Administrator
Robert Notton, County Treasurer/Finance Director
Lori Zombek, Director of Human Resources
Jordan Dallas Turner, County Attorney
Col. Les Hill, Sheriff's Department
Shona Schulkers, Fiscal Court Clerk

Members of the Court Absent:

Gary W. Moore, County Judge/Executive

Members of the Staff and Other Officials Absent:

William Knoebel, Assistant County Attorney

ITEM II.

APPROVAL OF MINUTES

- A. Commissioner Flaig presented the Minutes from the Fiscal Court Meeting of September 19th, 2023, for approval. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the Minutes from the September 19th, 2023, meeting. Commissioner Flaig called for a vote on the motion, MOTION PASSES (3-0).
- B. Commissioner Flaig presented the Minutes from the Special Caucus Meeting of October 4th, 2023, for approval. Commissioner Hand asked to amend the minutes, under Item V. A, to show that the court will be advised by the County Attorney on the procedure for initiating a Fiscal Court Public Hearing at a regular business meeting. Commissioner Hand moved, seconded by Commissioner Flaig, to amend the Minutes from the October 10th, 2023, meeting. Commissioner Flaig called for a vote on the motion, MOTION PASSES (3-0). Commissioner Flaig presented the amended Minutes from the Fiscal Court Meeting of October 4th, 2023, for approval. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the amended Minutes from the October 4th, 2023, meeting. Commissioner Flaig called for a vote on the motion, MOTION PASSES (3-0).

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 10th, 2023
5:30 P.M.

ITEM III.

PRESENTATIONS

- A. Zoning Text Amendment – Short Term Rentals to the Graves Road Zoning Districts. Michael Schwartz, Zoning Administrator presented the text amendment requested by the Fiscal Court. He gave the Graves Road Study and zoning text history of Graves Road. There is a potential of eight (8) sites in the Graves Road zoning districts due to the 1,000 foot restriction. He reported on the recommendation/findings of fact, there are three (3) parts: 1) Approval of adding Short Term Rental as a Conditional Use in the GR-R (residential) District. 2) Disapproval of adding Short Term Rental as a Conditional Use in the GR-C (commercial) District. 3) Approval of adding Short Term Rental as a Conditional use in the GR-BP (business park) District. He reported that no one attended the Planning Commission Public Hearing to speak for or against. Commissioners Hand, Brewer and Flaig asked questions, Michael Schwartz answered. Matthew Webster stated the procedure for approving the related ordinances. There is a First Reading on the agenda with the Planning Commissions recommendations and there is a First Reading for an alternate which also approves adding Short Term Rental in the Graves Road Commercial District. Commissioner Brewer moved to remove Item V. A from the agenda and do a First Reading on Item V. B, seconded by Commissioner Hand to remove Item V. A. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

Commissioner Flaig asked the Fiscal Court Clerk to read into the record, a First Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL TO ADOPT A SERIES OF ZONING TEXT AMENDMENTS TO THE BOONE COUNTY ZONING REGULATIONS, SUCH AMENDMENTS TO BE MADE TO SECTION 505.5, USE/DISTRICT MATRIX – PUBLIC FACILITY, AIRPORT, SMALL COMMUNITY OVERLAY, AND SPECIAL STUDY DISTRICTS, OF THE BOONE COUNTY ZONING REGULATIONS TO: (1) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – RESIDENTIAL (GR-R) DISTRICT; AND (2) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – COMMERCIAL (GR-C) DISTRICT; AND (3) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – BUSINESS PARK (GR-BP) DISTRICT. Matthew Webster added that the Findings of Fact have been included. Commissioner Flaig asked if there was any public comment, Mr. Cicero, from the audience asked a question, Michael Schwartz answered. Commissioner Brewer asked a question, Matthew Webster and Jordan Turner answered. Commissioner Flaig stated the Second Reading will be at the October 24th Fiscal Court Meeting.

ITEM IV.

PERSONNEL MATTERS

- A. Commissioner Flaig asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING A RATE CHANGE, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR ALANNA ELWOOD, HORTICULTURE TECHNICIAN FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek commented that the rate originally approved was the wrong rate. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Commissioner Flaig 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 AMBRE RANKIN FROM THE SEASONAL RECEPTIONIST POSITION TO THE PART TIME RECEPTIONIST

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 10th, 2023
5:30 P.M.

POSITION IN THE BUILDING INSPECTION DEPARTMENT. Lori Zombek presented the candidate. Commissioner Hand moved, seconded by Commissioner Brewer, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

- C. Commissioner Flaig asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING A PROMOTION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR DARREN KERFOOT TO BUILDING INSPECTOR III IN THE BUILDING INSPECTION DEPARTMENT. Lori Zombek presented the candidate, who was in the audience. Matthew Webster congratulated Darren for his achievement. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Commissioner Flaig 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 STEVEN D. SCHUSTER TO THE POSITION OF SEASONAL BUILDING INSPECTOR FOR THE BUILDING INSPECTION DEPARTMENT. Lori Zombek presented the candidate. Commissioner Hand moved, seconded by Commissioner Brewer, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- E. Commissioner Flaig 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. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

ITEM V.

ORDINANCES

- A. ~~REMOVED First Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL TO ADOPT A SERIES OF ZONING TEXT AMENDMENTS TO THE BOONE COUNTY ZONING REGULATIONS, SUCH AMENDMENTS TO BE MADE TO SECTION 505.5, USE/DISTRICT MATRIX – PUBLIC FACILITY, AIRPORT, SMALL COMMUNITY OVERLAY, AND SPECIAL STUDY DISTRICTS, OF THE BOONE COUNTY ZONING REGULATIONS TO: (1) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – RESIDENTIAL (GR-R) DISTRICT; AND DENIAL FOR (2) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – COMMERCIAL (GR-C) DISTRICT; AND (3) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – BUSINESS PARK (GR-BP) DISTRICT.~~
- B. Read during Presentations.

ITEM VI.

JUDGE'S REPORT

- A. None.

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 10th, 2023
5:30 P.M.

ITEM VII.

ADMINISTRATIVE MATTERS

- A. Commissioner Flaig asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A CONTRACT WITH THE KENTUCKY TRANSPORTATION CABINET (KYTC) TO PROVIDE SNOW AND ICE OPERATIONS ON CERTAIN STATE-OWNED HIGHWAYS IN THE COUNTY. Rob Franxman reported on an agreement with KYTC to perform snow and ice operations on 53 miles of state roadways. The county will be treating 450 miles of county roadways. Commissioners Brewer, Flaig and Hand asked questions, Rob Franxman answered. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Commissioner Flaig asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING VEHICLES AND EQUIPMENT AS SURPLUS FROM THE PUBLIC WORKS DEPARTMENT. Rob Franxman reported on the requested items for surplus. Commissioner Hand moved, seconded by Commissioner Brewer, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- C. Commissioner Flaig 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 A VIEWING COMMITTEE REGARDING THE REQUEST FOR A RIGHT-OF-WAY VACATION OF AN ALLEY IN TAYLORSPOUT. Rob Franxman reported on the right-of-way application received and appointing a viewing committee. If approved, the committee will evaluate the application and report its findings to the court at a future meeting. Commissioner Brewer asked a question, Matthew Webster answered. Commissioner Hand asked a question, Rob Franxman answered. Commissioner Flaig and Matthew Webster added comments. Commissioner Hand moved, seconded by Commissioner Brewer, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Commissioner Flaig asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT REJECTING BID BCFY24-14 RECEIVED FOR A HIGH SPEED LANDING CRAFT ENGINE REPLACEMENT. Rob Franxman reported there was only one (1) bid received which was \$160,000 over the available budget for the project. Fleet Services recommended rejecting the bid and to readvertise with different language in hopes of more acceptable pricing. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- E. Commissioner Flaig asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A CHANGE ORDER IN THE AMOUNT OF \$16,064.00 RELATING TO THE INSTALLATION OF A NEW PLAYGROUND AT BOONE WOODS PARK. Matthew Webster reported on the ADA accessible playground, which is currently being installed, there was an error in the bid specs and it did not include swing sets. The total budgeted amount for the playground and pickleball courts was \$750,000, the total cost was \$727,904, being \$22,000 under budget. If the change order is approved, we would still be under budget. Commissioner Hand moved, seconded by Commissioner Brewer, to approve the resolution. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 10th, 2023
5:30 P.M.

ITEM VIII.

FISCAL MATTERS

- A. Commissioner Brewer moved, seconded by Commissioner Hand to approve Invoice and Golf Invoice Reports dated October 10th, 2023. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- B. Commissioner Hand moved, seconded by Commissioner Brewer to approve Pre-Paid Invoice Report dated October 5th, September 28th, and September 21st, 2023. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- C. Commissioner Hand asked a question, Rob Notton answered. Commissioner Brewer moved, seconded by Commissioner Hand, to approve Fiscal Court Order #7 – A Fiscal Court Order authorizing transfers in the amount of \$660,582.40, within the adopted Fiscal Year 2023-2024 Budget. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- D. Commissioner Hand moved, seconded by Commissioner Brewer, to approve Fiscal Court Order #8 – A Fiscal Court Order authorizing transfers in the amount of \$65,000.00, within the adopted Fiscal Year 2023-2024 Budget. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
- E. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the Monthly Financial Report for the Two Month Period ending August 31st, 2023. Commissioner Flaig called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

ITEM IX.

OLD BUSINESS

- A. Parks Alcohol Ordinance at special events report – Matthew Webster, County Administrator. Matthew Webster updated the court on the request to review the county parks ordinance to allow alcohol in the parks for special events. The working group did see benefits on a structured and limited basis. The recommendation would include the use of alcohol in the parks for special events only and to be regulated by licensed vendors who would apply for a permit. Alcohol sales would be restricted to designated areas, not the park generally. There will be three (3) parks permitted for this use, England Idlewild, Boone Woods, and Central Park because those parks have shelters on a rental basis. The special use permits would only be available from noon-dusk. Law enforcement would be on site to assist with checking ID's. If agreed, the County Attorney will draft an amendment to the current ordinance. Commissioners Hand and Brewer asked questions. Commissioner Brewer and Hand are in agreement.

Commissioner Flaig asked if there was any other Old Business to come before the Court, Commissioner Hand asked if the Public Hearing procedure was being worked on. Matthew Webster answered yes.

ITEM X.

NEW BUSINESS

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

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 10th, 2023
5:30 P.M.

ITEM XI.

ADJOURNMENT

Commissioner Flaig called for adjournment of the Fiscal Court Meeting. Commissioner Flaig moved, seconded by Commissioner Brewer, to adjourn the meeting, ALL PRESENT VOTING AYE (3-0).

NEXT FISCAL COURT MEETING – Tuesday, October 24, 2023 @ 5:30 P.M.

Announcements:

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 October 10th, 2023.



Fiscal Court Clerk

Date: 10/24/23