

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, October 24th, 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:

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

ITEM II.

APPROVAL OF MINUTES

- A. Judge Moore presented the Minutes from the Fiscal Court Meeting of October 10th, 2023, for approval. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the Minutes from the October 24th, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (3-0,1 Abstention).

ITEM III.

PRESENTATIONS

Judge Moore explained the change in the process and procedure to the zoning presentations and ordinances with regards to their placement on the agenda. The presentation will occur first with the community, Commissioners, and staff discussion second. Court can proceed with First Reading immediately. If it's decided not to move forward with the First Reading of the ordinance, we can table/delay that item as desired by the court for a future meeting.

Judge Moore asked Jordan Turner, County Attorney to report on the recommendations for the Public Hearing Procedure (Item IX. A). Jordan Turner explained her recommendations for the procedures for zoning matters. After the staff presents under "Presentations", we would then hear both sides keeping the same record as the Planning Commission and would then have three (3) options: 1) Follow the Planning Commission's recommendations, moving to First Reading. 2) Modify their recommendation, come up with different findings/conditions, then take a vote to remove the First Reading from the agenda. Staff would then have time before the next meeting to prepare appropriate documentation so we can provide support and findings for the action. 3) Vote to have a due process hearing. Judge Moore added this procedure doesn't delay the applicant's process. Commissioner Hand asked questions, Judge Moore answered. Matthew Webster and Judge Moore added comments. Commissioner Hand asked a question, Judge Moore answered.

MINUTES
BOONE COUNTY FISCAL COURT
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- A. Zoning Map Amendment for CPRE TP Boone Limaburg LLC/Chavez Properties – Michael Schwartz, Zoning Administrator presented the request via PowerPoint for a one (1) acre portion to be rezoned from R-S to I-1 to have all the acreage under one zoning district. The Planning Commission voted unanimously to approve the request. Judge Moore asked if there was anyone from the public that would like to comment, Loren Wolff, DBL Law spoke on behalf of the applicant. Martin Chavez, property owner spoke. Judge Moore asked if there was anyone in opposition that would like to speak, there was none. Commissioner Hand asked a question, Michael Schwartz answered. Commissioner Flaig and Judge Moore asked a question, Rob Franxman answered. Loren Wolff and Judge Moore added comments.
- B. Zoning Map Amendment and Variance for Listen to Amy LLC – Todd Morgan, Zoning Services presented the request via PowerPoint for a zone change from A-2 to I-1 to move the towing business to the new parcel. Todd Morgan reviewed the revised concept plan which was received with changes. The Planning Commission voted unanimously to approve the request with conditions. Judge Moore asked if there was anyone from the public that would like to comment, Wayne Smith, property owner spoke. Judge Moore asked if there was anyone in opposition that would like to speak, Thomas Breidenstein, Attorney representing B&K Group Limited (Brendamour property owner directly across Dolwick Drive) spoke in opposition. He asked to submit a handout that summarizes the opposition, Judge Moore asked if it was part of the record, he answered yes. Jordan Turner said it cannot be submitted as a document if it is not in the existing record. Judge Moore suggested he provide the handout to Jordan Turner to review, and she can pass along to the court if appropriate. Commissioner Brewer asked questions, Thomas Breidenstein answered. Commissioner Flaig asked questions, Judge Moore and Michael Schwartz answered. Thomas Breidenstein added comments. Judge Moore asked if there was anyone else that would like to speak, Doug Brendamour, Brendamour/B&K Group and Tom Banta, Managing Director with Corporex spoke in opposition. Jeff Blankenship, attorney for applicant spoke. Commissioner Hand asked questions, Todd Morgan and Matthew Webster answered. Judge Moore asked a question, Wayne Smith answered. Thomas Breidenstein added comments. Discussion ensued.
- C. Zoning Map Amendment for Maronda Homes – Michael Schwartz, Zoning Administrator presented the request via PowerPoint for a zone change from RSE/PD and SR-1 to RS/PD for the development of 104 detached single family residential lots. The Planning Commission voted unanimously to approve the request with seven (7) conditions. Judge Moore asked if there was anyone from the public that would like to comment, Jim Bertram, representing Maronda Homes spoke. Judge Moore asked if there was anyone in opposition that would like to speak, there was none. Commissioners Hand and Brewer asked a question, Michael Schwartz answered, Judge Moore added comments. Judge Moore and Commissioner Flaig asked a question, Michael Schwartz and Rob Franxman answered.

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 PROMOTION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF ALVIN POWELEIT TO THE POSITION OF ASSISTANT GOLF COURSE SUPERINTENDENT FOR THE BOONE COUNTY GOLF COURSES. Lori Zombek presented the candidate who was in attendance. Alvin has been with the county for five (5) years. 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).

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
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Tuesday, October 24th, 2023
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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF KEN POINTS TO THE POSITION OF SOLID WASTE SERVICES SPECIALIST FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek presented the candidate. Ken has been with the county for four (4) years, this is a lateral move. 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).
- C. 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 BILL LIPSCOMB TO A SNOW SEASONAL POSITION FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek presented the candidate. 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 V.

ORDINANCES

- A. Judge Moore asked the Fiscal Court Clerk to read into the record, a Second 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 stated there has been no change since the First Reading. The court did not take the Planning Commission's recommendation for the denial in the Graves Road Commercial District. Commissioner Hand asked a question, Matthew Webster and Michael Schwartz answered. Commissioners Flaig and Hand asked a question, Michael Schwartz answered. Matthew Webster added comments. Commissioner Brewer moved, seconded by Commissioner Hand, to approve the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Judge Moore asked the court if they agreed to move forward with the First Reading, all in agreement. 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 RECOMMENDING APPROVAL FOR A REQUEST OF CPRE TP BOONE LIMABURG LLC/CHAVEZ PROPERTIES, PER MARTIN CHAVEZ (APPLICANT) FOR CPRE TP BOONE LIMABURG LLC, PER MARTIN CHAVEZ (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 1.0 ACRE AREA LOCATED AT 5460-5468 LIMABURG ROAD, BOONE COUNTY, KENTUCKY. Judge Moore asked the court if they should move forward with the Second Reading, all agreed. The Second Reading will be on November 14th.

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
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Tuesday, October 24th, 2023
5:30 P.M.

- C. Commissioner Hand stated he would like a public hearing prior to the First Reading of the ordinance relating to Listen to Amy, LLC. Judge Moore stated that both the applicant and opponent are interested in bringing additional information forward or having discussions. Judge Moore explained how this process would work, at the next meeting we would have a public hearing at the beginning of the agenda. Commissioner Flaig disagreed, stating she doesn't think it's needed. Judge Moore asked a question, Michael Schwartz and Todd Morgan answered. Commissioner Hand asked a question, Judge Moore answered. Commissioners Hand and Brewer added comments. Judge Moore added comments. Commissioner Hand moved, seconded by Commissioner Brewer, to hold a public hearing concerning the issue. Judge Moore called for a vote on the motion, COURT VOTED (3-1). Judge Moore, Commissioner Hand and Commissioner Brewer voting AYE, Commissioner Flaig voting NAY.

Judge Moore asked for a motion to remove the First Reading, Commissioner Brewer moved, seconded by Commissioner Hand, to remove the ordinance from the agenda. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

~~Removed from the agenda – AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF LISTEN TO AMY LLC, PER WAYNE SMITH (APPLICANT/OWNER) FOR: (1) A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 3.58 ACRE AREA LOCATED ALONG THE NORTHEAST SIDE OF DOLWICK DRIVE AT THE BOONE/KENTON COUNTY LINE, BETWEEN MINEOLA PIKE AND INTERSTATE DRIVE, APPROXIMATELY TWO HUNDRED FIFTY (250) FEET NORTHWEST OF INTERSTATE DRIVE, AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 070.00-00-039.06, BOONE COUNTY, KENTUCKY; AND (2) A VARIANCE TO REDUCE THE MINIMUM REQUIRED LANDSCAPE BUFFER YARD D WIDTH ALONG THE NORTHWEST PROPERTY LINE FROM EIGHTY (80) FEET TO APPROXIMATELY TWENTY 47.2 FEET FOR AN APPROXIMATE 3.58 ACRE AREA LOCATED ALONG THE NORTHEAST SIDE OF DOLWICK DRIVE AT THE BOONE/KENTON COUNTY LINE, BETWEEN MINEOLA PIKE AND INTERSTATE DRIVE, APPROXIMATELY TWO HUNDRED FIFTY (250) FEET NORTHWEST OF INTERSTATE DRIVE, AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 070.00-00-039.06, BOONE COUNTY, KENTUCKY.~~

- D. Judge Moore asked the court if they agreed to move forward with the First Reading, all in agreement. 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 RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF MARONDA HOMES (APPLICANT) FOR DFK DIRECT INVESTMENTS WACH LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES/PLANNED DEVELOPMENT (RSE/PD) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO RURAL SUBURBAN/PLANNED DEVELOPMENT (RS/PD) FOR: (1) AN APPROXIMATE 50.78 ACRE AREA LOCATED ALONG THE NORTH SIDE OF BURLINGTON PIKE, BETWEEN MAIN STREET AND CAROLINE WILLIAMS WAY, APPROXIMATELY 1,100 FEET EAST OF CAROLINE WILLIAMS WAY, AND BEING ACROSS FROM THE BURLINGTON PIKE/SADDLE RIDGE DRIVE INTERSECTION; AND (2) AN APPROXIMATE 0.76 ACRE AREA LOCATED AT 6539 AND 6540 HAMMER COURT, BOONE COUNTY, KENTUCKY. Judge Moore asked the court if they should move forward with the Second Reading, all agreed. The Second Reading will be on November 14th.

MINUTES
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5:30 P.M.

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 A TERM CORRECTION FOR ROBERT SCHWENKE FOR THE BOONE COUNTY PLANNING COMMISSION. Judge Moore explained that the term expiration date was incorrect by a clerical error, this will fix the error. 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 CRISTY TERLAU TO FILL A VACANCY TO THE POINT PLEASANT FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. Judge Moore 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).

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 APPROVING A CONTRACT EXTENSION FOR BLUEGRASS ELECTRICAL CONSULTANTS FOR THE MAINTENANCE AND EMERGENCY REPAIR SERVICES OF COUNTY OWNED TRAFFIC SIGNALS, SCHOOL ZONE FLASHERS AND TRAFFIC LIGHT POLES. Rob Franxman reported on the two (2) year contract and recommended it be to be extended for an additional two (2) years. Commissioners 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).
- B. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE PURCHASE OF THREE (3) 2023 CHEVROLET SILVERADO MD 4WD REGULAR CAB WORK TRUCKS FROM BACHMAN CHEVROLET FOR THE PUBLIC WORKS DEPARTMENT UTILIZING THE STATE MASTER AGREEMENT. Rob Franxman reported on the continued vehicle challenges. Bachman Chevrolet was the only bidder and has been able to offer good quotes. Once received, they will be upfitted with snow equipment. Commissioner Flaig 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).
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING CHANGE ORDERS IN THE AMOUNT OF \$280,000 RELATING TO THE CONSTRUCTION FOR THE ANIMAL SHELTER PROJECT. Matthew Webster reported on the project; it should be fully functional by March 1st. At this time, it is anticipated the total cost would exceed the budget by approximately \$280,000 due to field issues, inflationary costs and change in scope for security access control. We are continuing our fundraising efforts, the total budget presented and approved for private fundraising is \$2.3 million, the amount raised is \$2,451,357 with an overage of \$151,357. The current unfunded net amount is \$128,000 or 1.5% of the project. We will be launching a Day of Giving and Donor event in December. We are hopeful we will be able to raise the difference of

MINUTES
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Fiscal Courtroom (1st Floor)
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Tuesday, October 24th, 2023
5:30 P.M.

\$128,000. Commissioner Brewer asked questions, Matthew 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).

- D. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE REALLOCATION OF STATE INFRASTRUCTURE FUNDING FOR SANITARY SEWER EXPANSION WITHIN THE CENTRAL BOONE SANITARY SEWER PROJECT IN PARTNERSHIP WITH SD1. Matthew Webster reported on the KIA grant which relates to the rerouting of the Bullittsville Pump Station. Judge Moore added comments. Commissioner Hand asked a question, Judge Moore answered. 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 RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING DESIGN SERVICES FOR THE PROPOSED PARKS DEPARTMENT FACILITY TO HUB + WEBER ARCHITECTS. David Whitehouse, Parks Director, reported on the design services for the new Parks Department facility. Michael Wolff with Hub + Weber Architects presented via PowerPoint on the proposed facility and the next steps. Commissioner Flaig asked a question, Michael Wolff answered. Matthew Webster added comments. Commissioner Flaig asked a question, Matthew Webster answered. Michael Wolff added 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 Flaig, to approve Invoice and Golf Invoice Reports dated October 24th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Commissioner Flaig moved, seconded by Commissioner Hand, to approve Pre-Paid Invoice Report dated October 19th and October 12th, 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 #9 – A Fiscal Court Order authorizing transfers in the amount of \$397,300.00, within the adopted Fiscal Year 2023-2024 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- D. Commissioner Brewer moved, seconded by Commissioner Hand, to approve Inter-Fund Transfer for September 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- E. Commissioner Hand moved, seconded by Commissioner Brewer, to approve Monthly Financial Report for the Three-Month Period Ending September 30, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

MINUTES
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5:30 P.M.

ITEM IX.

OLD BUSINESS

- A. Public Hearing Procedure Recommendation Report – Jordan Turner, County Attorney. Reported during Item III.

Judge Moore asked if there was any other Old Business to come before the Court, Commissioner Brewer asked that after the Presentations if we can move the correlating item up on the agenda to the Presentations section. Judge Moore agreed it would flow better to move the items up on the agenda. Commissioner Hand asked what order we would have the public hearing, Judge Moore and Matthew Webster answered that it would be first on the agenda.

ITEM X.

NEW BUSINESS

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

ITEM XI.

ADJOURNMENT

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

NEXT FISCAL COURT MEETING – Tuesday, November 14, 2023 @ 8:30 A.M.

Announcements:

The Annual Jack-O-Lantern Contest and Walk is on Saturday, 10/28 from 7:30pm-9:30pm at the Boone County Fairgrounds. The event is free, there will be hayrides and refreshments with over 650 pumpkins.

The Household Hazardous Waste Collection Event is on Saturday, 11/4 from 9am-2:30pm at Thomas More Stadium (home of the Florence Y'alls). Judge Moore added this is a regional event with Kenton and Campbell Counties.

Judge Moore announced that Trick-or-Treating will be on Tuesday, 10/31 from 6pm-8pm.

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 24th, 2023.



Fiscal Court Clerk

Date: 11/14/23