

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, September 5th, 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

Members of the Staff and Other Officials Absent:

William Knoebel, Assistant County Attorney

ITEM II.

APPROVAL OF MINUTES

- A. Judge Moore presented the Minutes from the Fiscal Court Meeting of August 22nd, 2023, for approval. Commissioner Flaig moved, seconded by Commissioner Hand, to approve the Minutes from the August 22nd, 2023, meeting. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

PRESENTATIONS

- A. FY21 Audit Presentation (Corresponding Item VIII. F). Stephanie Allgeyer, VonLehman, independent auditor reported the audit was approved by the state for release. The audit is an unmodified (clean) opinion, there weren't any modifications that needed to be made. Overall total assets were \$449 million, there was a bigger increase year over year due to the CARES Act funding and total liabilities were \$98.9 million. General revenues including grants was up about \$15 million and expenses were at \$85.7 million. The overall net income was \$25.7 million for the year. There was \$37 million that moved into the next fiscal year. Judge Moore reiterated that the State Auditor has approved the audit. Commissioner Flaig asked a question, Judge Moore answered. Commissioner Hand added comments. Judge Moore stated for the next audit, we can include the audit report on the agenda, have the presentation and vote to accept at the following meeting to allow more time to review. Judge Moore added we would like to have the FY22 audit completed by the end of the year. Rob Notton added a comment. Commissioner Brewer asked questions, Stephanie Allgeyer answered. Judge Moore added comments.

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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 STEPHEN BECKER TO THE PART TIME POSITION OF SAFETY COORDINATOR IN THE HUMAN RESOURCES DEPARTMENT. Lori Zombek presented the candidate; there were 5 candidates interviewed. Commissioner Hand asked a question, Lori Zombek 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 AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF A SEASONAL NEW HIRE AT THE BOONE COUNTY GOLF COURSES. 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 PROMOTION, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF WILLIAM BUERGER TO THE POSITION OF SOLID WASTE SERVICES SUPERVISOR FOR THE PUBLIC WORKS DEPARTMENT – SOLID WASTE DIVISION. Lori Zombek presented the candidate; the position is open due to a resignation. 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).

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, WITH CONDITIONS, FOR A REQUEST OF TONY BERLING (APPLICANT) FOR IRELAND PROPERTIES, LLC (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT FOR AN APPROXIMATE 3.26 ACRE AREA LOCATED AT 5765 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY. Judge Moore added there were no changes since First Reading. Judge Moore asked if there was anyone in opposition, there was none. Commissioner Hand moved, seconded by Commissioner Flaig, to approve the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- B. Prior to Second Reading of the next item, Judge Moore stated there were a few issues raised that needed to be answered. **1. Public Water**, is not a condition of the project. The Court asked about the process to bring public water to the neighborhood. Judge Moore spoke with the Boone County Water District, they agreed to break the KY 20 Project into two (2) phases to bring water lines from KY 20 to Lucas Park Drive. The county will work to access bringing water from KY 20 to Lucas Park Drive and Adena Trail as part of the Rural Water Program. This is a separate statement, not related to the applicant's request, this could possibly happen at the end of 2025. **2. Hydrological Report**, this is a condition that will happen before site approval. The Planning Commission would not offer a permit if there were any flaws in the report. It is not required to be presented during the zone request. **3. Public Hearing**, if we vote to do this,

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we may start the process of a First and Second Reading again. Commissioners Flaig and Hand asked a question, Jordan Turner answered, Judge Moore added comments. Judge Moore asked a question, Bill Knoebel answered. Commissioner Hand and Mike Schwartz added comments. Discussions ensued. Matthew Webster added comments. Judge Moore asked if there was anyone that would like to speak to the topic of holding an independent public meeting, James Barth, from the audience spoke. Loren Wolff, Attorney for the applicant addressed previous questions. Jordan Turner added comments. More discussions ensued. Commissioner Hand moved, seconded by Commissioner Brewer, to schedule a public hearing. Judge Moore called for a vote on the motion, THE MOTION WAS DEFEATED (1-3).

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, WITH CONDITIONS, FOR A REQUEST OF NORTHERN KENTUCKY AGGREGATES, INC., PER DENNIS GARRISON (APPLICANT) FOR TIMOTHY WILLIAM HITZFIELD, DANIEL LYNCH HITZFIELD, JOSEPH GERARD HITZFIELD, AND NANCY HITZFIELD (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) TO INDUSTRIAL THREE SURFACE MINING (I-3) FOR AN APPROXIMATE 32 ACRE AREA LOCATED AT 3989 BELLEVIEW ROAD, BOONE COUNTY, KENTUCKY. Judge Moore stated the Hydrological Report is a condition and will need to be approved before moving forward, along with all the other conditions. Applicant Dennis Garrison stated that he was very happy that the Water District and county were working to bring public water to the community and regardless of the zone change is willing to pay 50% of the residents' tap fees. Judge Moore added comments. Commissioner Hand asked a question, Judge Moore answered. Commissioner Brewer moved, seconded by Commissioner Flaig, to approve 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 the record, a First Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF SL 1020 PETERSBURG ROAD LLC, PER HOLDEN SABATO (APPLICANT/OWNER) FOR: (1) A ZONING MAP AMENDMENT FROM COMMERCIAL TWO (C-2) TO INDUSTRIAL ONE (I-1) AND A CHANGE OF CONCEPT DEVELOPMENT PLAN WITHIN AN EXISTING INDUSTRIAL ONE (I-1) DISTRICT; AND (2) A VARIANCE SUBJECT TO A CONDITION REDUCING THE CORNER SIDE YARD SETBACK FROM FIFTY (50) FEET TO TWENTY-EIGHT (28) FEET, FOR AN APPROXIMATE 6.46 ACRE AREA LOCATED AT 1020 PETERSBURG ROAD, BOONE COUNTY, KENTUCKY. Mike Schwartz, Zoning Administrator presented the request via PowerPoint for the construction of a 98,000 square foot industrial warehouse building. He reviewed the conditions of approval, along with the proponents and opponents. Judge Moore asked if there was anyone in opposition, there was none. Commissioners Hand and Flaig asked questions, Mike Schwartz and Judge Moore answered. Jim Parsons, Attorney for the applicant spoke. Commissioners Flaig, Brewer and Hand all asked questions, Jim Parsons answered. A representative from the Silverman Group spoke, Judge Moore added comments. The Second Reading is scheduled for 9/19/2023.
- D. Judge Moore asked the Fiscal Court Clerk to read into the record, a First Reading of AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT REPEALING IN ITS ENTIRETY ORDINANCE 2021-37 ENACTED ON DECEMBER 21, 2021, AND ADOPTING IN ITS PLACE AN ORDINANCE APPROVING THE GRANTING OF LOCAL INCENTIVES TO SETCO SALES COMPANY AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32. Judge Moore stated this

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is not a new project, but an existing project. Matthew Webster reported the incentives were already approved; the state notified the county that a language update was required to the ordinance to ensure the state portion of the incentives were consistent with recent changes from the sales tax/income tax. There are no changes to the approved incentives, just simply an update in the language. Setco Sales Company is ready to activate their incentives and are unable to do this until the ordinance language has been updated. We will see this again, as other existing agreements with the same language will need to be updated. We will be working to package all other ordinances together. Judge Moore added that all counties around the state will have to do this. Commissioner Hand asked questions, Matthew Webster answered. The Second Reading is scheduled for 9/19/2023.

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 LISA WILSON-PLAJER TO THE NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT BOARD OF DIRECTORS (NKADD). 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 APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SANDRA CUPPS TO FILL THE VACANT POSITION FOR THE BELLEVIEW-MCVILLE FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. Commissioner Brewer asked a question, Judge Moore 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).

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 PLAYGROUND DESIGN SERVICES AT ENGLAND IDLEWILD PARK TO DWA RECREATION. David Whitehouse, Parks Director stated this is for the England Idlewild playground from the master plan. The bid came in under budget. 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).
- B. 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 SIDEWALKS AND CONCRETE PADS FOR THE DOG PARK AT ENGLAND IDLEWILD PARK TO LK CONCRETE. David Whitehouse reported on the bids received. It is anticipated that the dog park will be opening mid-October. Commissioner Hand asked a question, 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).
- C. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING SELF-CONTAINED BREATHING APPARATUS UNITS AS SURPLUS FROM THE EMERGENCY MANAGEMENT DEPARTMENT. Matthew Webster stated there were five (5) of these used units in the Sheriff's

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office that are past their useful life and will be placed on Govdeals.com. 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 ADOPTING THE BOONE COUNTY JAIL POLICIES AND PROCEDURES MANUAL; THE BOONE COUNTY JAIL PERSONNEL POLICIES; THE BOONE COUNTY JAIL INMATE RULES AND REGULATIONS MANUAL; AND THE LIFE SAFETY/EMERGENCY PROCEDURES FOR THE BOONE COUNTY JAIL. Matthew Webster stated this is an annual business item with changes required for accreditation. Commissioner Hand asked questions, Matthew Webster answered. Lori Zombek added comments. Commissioner Flaig asked a question, Matthew Webster 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).
- E. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ADOPTING THE BOONE COUNTY JAIL WORKCAMP INMATE RULES AND REGULATIONS MANUAL AND THE BOONE COUNTY JAIL WORKCAMP POST ORDERS FOR THE BOONE COUNTY JAIL. Commissioner Hand asked a question, Matthew 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).
- F. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE SUBMITTAL OF FINAL DOCUMENTS RELATED TO THE KENTUCKY INFRASTRUCTURE GRANT FOR THE KENTUCKY BROADBAND DEPLOYMENT PROGRAM AND AUTHORIZING JUDGE/EXECUTIVE, GARY W. MOORE TO EXECUTE ALL REQUIRED DOCUMENTS RELATED TO GRANT REQUIRMENTS. Matthew Webster reported the application for the 2022 grant was submitted for project expenses. Commissioner Brewer asked a question, Matthew Webster answered. Judge Moore 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).
- G. Judge Moore asked the Fiscal Court Clerk to read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING A BID FOR V-BOX SALT SPREADERS FOR THE SNOW REMOVAL PROGRAM IN THE PUBLIC WORKS DEPARTMENT THROUGH A SOURCEWELL CONTRACT. Rob Franxman stated this is for the budgeted equipment for the dump trucks. They will be delivered within 60-90 days. 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).

ITEM VIII.

FISCAL MATTERS

- A. Commissioner Brewer moved, seconded by Commissioner Flaig to approve Invoice and Golf Invoice Reports dated September 5th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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- B. Commissioner Flaig moved, seconded by Commissioner Hand to approve Pre-Paid Invoice Report dated August 31st and August 24th, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- C. Commissioner Hand asked a question, Rob Notton answered. Commissioner Hand moved, seconded by Commissioner Brewer to approve Fiscal Court Order #5 – A Fiscal Court Order authorizing transfers in the amount of \$2,137.50, 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 Hand moved, seconded by Commissioner Flaig to approve Monthly Financial Report for the One Month Period ending July 31st, 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- E. Commissioner Brewer moved, seconded by Commissioner Flaig to approve Inter-Fund Transfer Report for August 2023. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).
- F. Judge Moore read into the record, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING THE COMPLETION AND ACCEPTANCE OF THE FY 2021 AUDIT REPORT. A request to consider tabling the item was made and Judge Moore stated we could table this item until the next meeting to allow for more time to review. Commissioner Hand moved, seconded by Commissioner Flaig to table the resolution. 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, Commissioner Hand asked for an update on the Rural Water Project. Matthew Webster replied that the Engineer is finalizing design to obtain permits for the Group C scattered streets portion of Phase 2. A full report will be presented at the end of the calendar year with recommendations for Phase 3. Judge Moore added comments.

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, September 19th, 2023 @ 8:30 A.M.

Announcements:

Judge Moore announced there have been two (2) Comprehensive Planning Public Meetings so far that were held in Hebron with 65-70 people and Walton with 35 people. The upcoming meetings will be held at Belleview Baptist Church on 9/14, Florence Government Center on 9/18 and Union Fire Department on 9/19. Matthew Webster commented we did a Facebook boosted post that reached 4,718 people with 400 engaged and 200 clicked on the link.

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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 September 5th, 2023.


Fiscal Court Clerk

Date: 9/19/23