MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
February 22, 2011
5:30 P.M.

ITEM I. **CALL TO ORDER**

Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.

Present: Gary W. Moore, County Judge/Executive
Matt Dedden, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Charlie Walton, Commissioner, District 3
Robert Neace, County Attorney

Staff: Lisa Buerkley, County Treasurer
Les Hill, Sheriff's Department
Greg Sketch, County Engineer
Robin Curry, Assistant County Administrator
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
(Absent) Gwen Vice, Assistant County Attorney
Daphne Kornblum, Fiscal Court Clerk

ITEM II. **APPROVAL OF MINUTES**

Commissioner Kenner moved, seconded by Commissioner Dedden, to approve the Minutes from the meeting of February 8, 2011. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III. **PRESENTATIONS**

Judge Moore read the Earthquake Preparedness Month Proclamation.

ITEM IV. **PERSONNEL MATTERS**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-21, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT RE- APPOINTING PHILLIP DOUGLAS TO THE SEASONAL POSITION OF ARBORETUM INTERN IN THE BOONE COUNTY PARKS DEPARTMENT. Robin Curry made brief comments on the position being funded by the Extension District. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

ITEM V. **ORDINANCES**

Judge Moore asked the Fiscal Court Clerk to read into the record a First Reading of, AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY HAHN AUTOMATION, INC. UNDER THE KENTUCKY BUSINESS INVESTMENT (KBI) PROGRAM (KRS 154.32-010–KRS 154.32-100). Jeff Earlywine, County Administrator and Judge Moore made comments. The second reading of this ordinance is schedule for the March 22, 2011 Fiscal Court meeting.

Judge Moore asked the Fiscal Court Clerk to read into the record the second reading of AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A ZONING MAP AMENDMENT (EJ FOLTZ, ABERCROMBIE & ASSOCIATES, INC., (APPLICANT), FOR MILLER VALLENTINE GROUP (AKA MV LAND DEVELOPMENT COMPANY), (OWNER), SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A- 2) TO INDUSTRIAL ONE (I-1), AND A VARIANCE FROM TABLE 31.1 OF THE BOONE COUNTY ZONING REGULATIONS, FOR 3.584 ACRES LOCATED

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ON THE NORTH SIDE OF DOLWICK DRIVE, APPROXIMATELY 800 FEET EAST OF THE DOLWICK DRIVE/MINEOLA PIKE INTERSECTION AND ACROSS FROM THE PROPERTY AT 1616 DOLWICK DRIVE, BOONE COUNTY, KENTUCKY. Judge Moore made comments and reviewed the Planning & Zoning vote of 7-4 in support of the requested map amendment and reviewed ground rules for public speakers. EJ Foltz with Abercrombie & Associates and Wayne Smith, owner of Smith Towing spoke out in favor of approving the ordinance. Laurie Murray, with Colonial Mobile Home Parks, Andrew Brendamour, Tim Sellnick, with Convergys, Bob Fessler, with Corporex, and Joe Trauth, with DCT Industrial Trust spoke in favor of denying the ordinance. Commissioner Walton asked questions to which EJ Foltz and Wayne Smith responded. Jeff Earlywine made comments. Joe Trauth, Greg Sketch and Jeff Earlywine made comments relating to the proposed site plan. Judge Moore asked the Commissioners if they had any questions or comments. Commissioner Walton asked questions to which EJ Flotz responded. Judge Moore asked Jeff Earlywine to speak on the chronology of events concerning Erlanger's vote. Jeff Earlywine stated the Boone County Planning Commission took action at its December 1st meeting and Erlanger on December 7th. Joe Trauth made a comment to which Greg Sketch responded. Judge Moore asked a question to which Greg Sketch responded. Joe Trauth asked a question to which Greg Sketch and Jeff Earlywine responded. Judge Moore asked for a motion or any further questions. Commissioner Kenner made a motion to override the Planning Commission recommendation and deny the zoning map amendment, after explaining his position. Commissioner Walton seconded the motion, also after sharing his assessment of the application. Judge Moore reminded the court of the need to make specific findings supporting the action of the court. He then read from the minority zone change committee report that recommended denial of the Zone Change and made the following findings of fact: 1) The Committee has concluded that the request is not in agreement with the adopted 2005 Boone County Comprehensive Plan. 2) The text refers to continued growth of the existing industrial and business park developments. This request of the use of towing, impound, and wrecker services is not a Business Park type of use. 3) Because of the severity of the topography, the develop ability of the property is limited to a small flat area located close to Dolwick Drive and therefore the use cannot be effectively buffered. 4) The proposal is to allow towing, impound, and wrecker services. This proposal and its visual impacts do not enhance the physical and social environment of the area. 5) The proposed use is not compatible with the established industrial/business park developments at the Mineola Pike I-275 Interchange. Commissioners Kenner and Walton affirmed their support of these findings as a basis for the motion under consideration. Judge Moore stated he supported the motion to deny the zoning but, wanted to go to work with Wayne Smith immediately to find something that economically was a fit for him and a business fit for the community. Judge Moore called for all those in favor of overturning the Planning Commission recommendation and denying the zoning map amendment, based on the Committee report and all the findings within it. ALL PRESENT VOTING 3-1. ("Aye" Judge Moore, Commissioner Kenner, Commissioner, "Nay" Commissioner Dedden).

ITEM VI. **JUDGE'S REPORT**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-22, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING POLLY SCHADLER TO THE MENTAL HEALTH/INTELLECTUAL DISABILITY/AGING TAX ADVISORY BOARD. Commissioner Kenner moved, seconded by Commissioner Dedden, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-23, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE-EXECUTIVE, APPOINTING GREG SCHRAND TO THE SANITATION DISTRICT NO. 1 BOARD OF DIRECTORS. Judge Moore and Commissioners Dedden and Walton made comments. Commissioner Kenner moved, seconded by Judge Moore, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

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ITEM VII. **ADMINISTRATIVE MATTERS**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-24, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR THE LANDSLIDE STABILIZATION OF LOWER RIVER ROAD TO THE LANGENHEIM & THOMSON COMPANY. Greg Sketch made comments and reviewed the results of the bidding process. Judge Moore asked a question to which Greg Sketch responded. Jeff Earlywine made comments. Commissioner Dedden moved, seconded by Commissioner Walton, to approve the resolution, awarding the bid to the low bidder. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

ITEM VIII. **FISCAL MATTERS**

Commissioner Kenner moved, seconded by Commissioner Walton, to approve Invoice Report (2-22-11). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Walton moved, seconded by Commissioner Kenner to approve Golf Course Invoice Report (2-22-11). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Judge Moore to approve the Monthly Financial Report and Interfund Transfer for January. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Dedden to approve Fiscal Court Order #4, A Fiscal Court order of the Boone County Fiscal Court authorizing transfers in the amount of $5,350 within the adopted Fiscal Year 2010-2011 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Walton moved, seconded by Commissioner Kenner to receive, file and make a part of the record, the FY 2009 Independent Audit Report. Lisa Buerkley, Jeff Earlywine and Judge Moore all made comments. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM VIII. **OLD BUSINESS**

Brian Miller, Home Builders Association President, spoke about the Planning and Zoning Commission Proposed Goals & Objectives, for the Comprehensive Plan, update process and their potential economic impact on the building industry. Judge Moore made comments and noted the Commissioners Brian Miller was referring to were the Planning & Zoning Commissioners, not the Fiscal Court Commissioners.

ITEM IX. **NEW BUSINESS**

Judge Moore announced the March 8th Fiscal Court meeting being moved to Monday, March 7th, 2011. Judge Moore made mention of the Hometown Heroes website and the 19 year old resident that received the Silver Star award, by reading the article.

ITEM XI. **ADJOURNMENT**

Commissioner Kenner moved, seconded by Commissioner Walton, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0).

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CLERK CERTIFICATION

I, Daphne Kornblum, having been appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Boone County Fiscal Court at the meeting of February 22, 2011.

Daphne Kornblum
Fiscal Court Clerk

Date: 3/8/11