

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**October 19, 2010**  
**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  
Cathy Flaig, Commissioner, District 1  
Charles E. Kenner, Commissioner, District 2  
Terri Moore, 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) Jeff Smith, Assistant County Attorney  
Daphne Kornblum, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

Commissioner Flaig moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of October 15, 2010. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

**ITEM III.**

**PRESENTATIONS**

None at this time.

**ITEM IV.**

**PERSONNEL MATTERS**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-147, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING STEPHEN K. HEARNE TO THE POSITION OF EMERGENCY MANAGEMENT DEPUTY DIRECTOR. Robin Curry, Assistant County Administrator, made comments on the position. Commissioner Flaig asked a question to which Robin Curry responded. Commissioner Flaig moved, seconded by Commissioner Kenner, 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 the First Reading, presented by Kevin Wall, AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JAY BAYER, BAYER BECKER (APPLICANT) FOR TOEBBEN, LTD. AND WILLIAM TOEBBEN (OWNERS), FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1), AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL THREE/COMMERCIAL ONE/OFFICE ONE/PLANNED DEVELOPMENT (SR-3/C-1/O-1/PD) FOR AN APPROXIMATE 334 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF NORTH BEND ROAD APPROXIMATELY 750 FEET NORTH OF THE NORTH BEND ROAD/STAHL ROAD INTERSECTION, TO THE EAST OF DEER CREEK AND RIVERSHORE FARMS SUBDIVISIONS, AT THE TERMINUS OF STAHL ROAD, AND INCLUDING THE PROPERTIES AT 1280 NORTH BEND ROAD, 1302 NORTH BEND ROAD AND 1958 STAHL ROAD, BOONE COUNTY, KENTUCKY. Kevin Wall, Planning & Zoning, gave an overview of the Ordinance. Commissioner Flaig, Commissioner Moore, Jeff Earlywine and Judge Moore asked questions

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to which Kevin Wall responded. Judge Moore stated the second reading of the ordinance would take place at the November 23, 2010 Fiscal Court Meeting.

Judge Moore asked the Fiscal Court Clerk to read into the record a First Reading presented by Kevin Wall, AN ORDINANCE RELATING TO APPROVAL OF AN AMENDMENT TO THE BOONE COUNTY ZONING REGULATIONS, SUCH AMENDMENT TO BE MADE TO SECTION 1305 "PERMITTED USES". Kevin Wall gave an overview on the ordinance. Commissioner Flaig asked a question to which Jeff Earlywine responded. Second Reading for this ordinance will be held at the November 9, 2010 Fiscal Court Meeting.

Judge Moore asked the Fiscal Court Clerk to read into the record a First Reading AN ORDINANCE RELATING TO THE AMENDMENT OF BOONE COUNTY FISCAL COURT ORDINANCE 11-96-03, PASSED 11/26/96, CONCEALED DEADLY WEAPONS ON GOVERNMENT PROPERTY. Judge Moore made comments. Mike Moreland, citizen, made comments in support of the ordinance. Second Reading for this ordinance will be held at the November 23, 2010 Fiscal Court Meeting.

Judge Moore asked the Fiscal Court Clerk to read into the record a Second Reading of Ordinance 10-11, AN ORDINANCE OF THE FISCAL COURT OF BOONE COUNTY, KENTUCKY, RELATING TO AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$26,720,000 PRINCIPAL AMOUNT OF "COUNTY OF BOONE, KENTUCKY, POLLUTION CONTROL REVENUE REFUNDING BONDS, SERIES 2010 (DUKE ENERGY KENTUCKY, INC. PROJECT)"; AUTHORIZING THE LOAN OF THE PROCEEDS OF SAID BONDS TO DUKE ENERGY KENTUCKY, INC., A PUBLIC UTILITY AND CORPORATION DULY ORGANIZED AND VALIDLY EXISTING UNDER THE LAWS OF THE COMMONWEALTH OF KENTUCKY, FOR THE REDEMPTION, PAYMENT AND DISCHARGE OF CERTAIN OUTSTANDING BONDS OF THE COUNTY HERETOFORE ISSUED; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT RELATING TO THE BONDS BETWEEN THE COUNTY OF BOONE, KENTUCKY, AND DUKE ENERGY KENTUCKY, INC.; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE RELATING TO THE BONDS SECURING SAID BONDS; CONFIRMING AND APPROVING THE SALE OF SAID BONDS TO THE PURCHASER THEREOF; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT AND A LETTER OF REPRESENTATION RELATING TO THE BONDS; APPROVING ONE OR MORE PRELIMINARY OFFICIAL STATEMENTS AND/OR OFFICIAL STATEMENTS IN RESPECT OF SAID BONDS, AND TAKING OTHER RELATED ACTIONS. Judge Moore made comments. Commissioner Kenner made comments. Diane McElheney, citizen, asked a question to which Judge Moore responded. Commissioner Kenner moved, seconded by Commissioner Moore, to approve the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

**ITEM VI.**

**JUDGE'S REPORT**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-148, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING GREG PALMER TO FULFILL THE UNFINISHED TERM OF RONNIE MOORE TO THE VERONA FIRE PROTECTION DISTRICT BOARD. Judge Moore made comments. Dian McElheney, citizen, asked a question to which Judge Moore responded. Commissioner Moore moved, seconded by Commissioner Flaig, 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 10-149, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING BRADLEY SHIPE TO FULFILL THE UNFINISHED TERM OF JENNIFER MCCONNELL TO THE BOONE COUNTY BOARD OF

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ADJUSTMENTS. Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-150, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY AND THE KENTUCKY TRANSPORTATION CABINET FOR FUNDING OF THE FEDERAL-AID HIGHWAY PROGRAM IN THE AMOUNT OF \$250,000, FOR THE BURLINGTON ELEMENTARY – KY 18 SAFE ROUTES TO SCHOOL PROJECT, FEDERAL PROJECT SRTS 5228 006/AUTHORIZATION NUMBER 83576, PO2-628-100000623. Judge Moore made comments. Commissioner Flaig asked a question to which Robin Curry and Greg Sketch responded. Commissioner Flaig moved, seconded by Commissioner Moore, 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 10-151, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING JUDGE/EXECUTIVE GARY W. MOORE TO EXECUTE AN AGREEMENT WITH THE FEDERAL PORT SECURITY GRANT PROGRAM FOR AN EQUIPMENT GRANT. Jeff Earlywine and Judge Moore made comments. Commissioner Flaig asked a question to which Judge Moore and Jeff Earlywine responded. Commissioner Kenner moved, seconded by Commissioner Moore, 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 10-152, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING JUDGE/EXECUTIVE GARY W. MOORE TO EXECUTE AN AGREEMENT BETWEEN THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS AND BOONE COUNTY RELATING TO THE SOUTH AIRFIELD ROAD PROJECT. Judge Moore and Jeff Earlywine made comments. Commissioner Flaig asked a question to which Jeff Earlywine responded. Commissioner Flaig moved, seconded by Commissioner Moore, 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 10-153, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR PROPANE SERVICES TO MIDWEST GAS. Robin Curry made comments. Judge Moore thanked Lisa Hoffmann for her hard work on this bid process. Commissioner Moore moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

**ITEM VIII.**

**FISCAL MATTERS**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Invoice Report (10-19-10) and pre-paid invoice report dated (10-8-10). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Flaig to approve Golf Course Invoice Report (10-19-10) and pre-paid Golf Course invoice report dated (10-8-10). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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Commissioner Kenner moved, seconded by Commissioner Moore to approve Fiscal Court Order #1, A Fiscal Court order of the Boone County Fiscal Court authorizing transfers in the amount of \$122,910 within the adopted Fiscal Year 2010-2011 Budget. Lisa Buerkley, Finance Director, made comments. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM VIII.

OLD BUSINESS

None at this time.

ITEM IX.

NEW BUSINESS

Judge Moore recognized HB Deathridge on a job well done with the Veterans Moving Wall. Judge Moore announced the Fall Clean Up hours, locations and details.

ITEM XI.

ADJOURNMENT

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

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 October 19, 2010.

Daphne Kornblum  
Fiscal Court Clerk

Date: 11 / 16 / 10