

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
November 23, 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
Ben Huff, 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 Moore moved, seconded by Commissioner Flaig, to approve the Minutes from the meeting of November 9, 2010. Judge Moore called for a vote on the motion, MOTION PASSES (3-0). Judge Moore abstained from voting due to his being absent at the November 9th Fiscal Court Meeting.

ITEM III. **PRESENTATIONS**

Tom Compte, Boone County Conservation District, together with staff member Mark Jacobs, gave an update on the Gunpowder Creek Water Shed Initiative Project.

ITEM IV. **PERSONNEL MATTERS**

None at this time.

ITEM V. **ORDINANCES**

Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Ordinance 10-13, 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. Judge Moore briefly reviewed the procedure and time frame the Fiscal Court would use to consider public comments from all in attendance. Jay Bayer & John Toebben, applicants, gave an abbreviated presentation on the project. John Toebben made comments on the River Pointe project and complimented the Planning Commissioner staff. Judge Moore then called upon those in opposition to the proposed Zoning Map Amendment to address the court. Keith Knoll, representing Bob & Sue Flick, commented on the Planning and Zoning vote and public hearing. They are not against the

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project, but are requesting to eliminate multifamily buildings in area 7 & 8 of the plan. Bob Flick made a comment. Dr. Karen Keefers, Hebron citizen, spoke against this project and presented additional petition signatures. Trip Arball, Shirley Stahl, Ed Massey, Mike Riley, JoAnn Alleena, Hebron residents spoke out against the project. Bernie Kunkel, Phil Drees, Steve Fritz, Russell Gentry, Andrea Krumpelman, Randy Bessler, Lynn Sutter, residents, spoke in favor of the project. Jay Bayer had no further comments and thanked the court for their time. Judge Moore then closed the public comment period and suggested that the Fiscal Court now address the Planning Commission Recommendation. Commissioner Kenner asked a question to which Kevin Costello, Planning & Zoning Director responded. Commissioner Flaig made comments and recommended approval of the project with the 21 attached conditions. Jeff Earlywine, County Administrator, suggested that an additional condition #22 be added relating to the need of a future traffic light at Rivers Pointe Blvd. and North Bend Road. Commissioners agreed. Judge Moore asked a question to which John Toebben responded. Jeff Earlywine read into record condition #22, "The developer shall be responsible for coordinating and arranging the installation of a traffic signal at the intersection of Rivers Pointe Blvd. and North Bend Road (KY 237) at such time when future traffic warrants dictate the need for such signal, as determined by the KY Transportation Cabinet." Commissioner Flaig moved, seconded by Commissioner Moore, to approve the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Judge Moore made an announcement, when the crowd was departing the meeting, about the Tree Lighting event taking place on December 3rd.

Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Ordinance 10-14, 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. James Bozman, resident, asked for clarification on the first reading to which Jeff Earlywine responded. Commissioner Flaig 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

None at this time.

ITEM VII.

ADMINISTRATIVE MATTERS

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-163, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE JUDGE EXECUTIVE TO EXECUTE A TRANSFER AND ASSIGNMENT AGREEMENT WITH THE SANITATION DISTRICT NO. 1 THAT WILL TRANSFER COUNTY STORM SEWER SYSTEM ASSETS TO THE DISTRICT PURSUANT TO THE TERMS AND PROVISIONS OF AN INTERLOCAL AGREEMENT. Judge Moore and Jeff Earlywine briefly described the agreement and reviewed the background to this program which began in 2003. Commissioner Flaig asked a question to which Judge Moore responded. Bob Kleet, resident, asked a question to which Jeff Eger, SD1 rep responded. Judge Moore asked a question to which Jeff Eger responded. Commissioner Flaig asked a question to which Jeff Eger responded. Jeff Smith, resident, asked a question to which Lisa Buerkley responded. Jeff Smith, resident asked another question to which Greg Sketch responded. Mrs. Woods, resident, asked a question to which Greg Sketch responded. Jeff Smith, resident, asked a question to which Greg Sketch responded. Ken Baumgartner, resident asked a question to which Judge Moore and Jeff Earlywine responded. Commissioner Flaig asked a question to which Judge Moore responded. Jeff Smith, resident, asked a question to which Greg Sketch responded. Commissioner Moore moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-1 (Commissioner Flaig voting "no").

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ITEM VIII.

FISCAL MATTERS

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Invoice Report (11-22-10), (11-23-10) and pre-paid invoice report dated (11-12-10) and (11-19-10). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Golf Course Invoice Report (11-23-10) and pre-paid Golf Course invoice report dated (11-12-10) and (11-19-10). 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

James Bozman, resident, spoke about the smoking ban to which Judge Moore responded. Terry Donoghue, resident, read a newspaper article in regards to SD1. Jeff Smith, resident, made a statement to which Judge Moore responded.

ITEM XI.

ADJOURNMENT

Commissioner Kenner moved, seconded by Commissioner Moore, 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 November 23, 2010.

Daphne Kornblum
Fiscal Court Clerk

Date: 12 / 10 / 10