

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom #203 (2nd Floor)
Burlington, Kentucky
Tuesday, May 23, 2006
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 H. Flaig, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Terri Moore, Commissioner, District 3
J.R. Schrand, County Attorney
Jeff Smith, Assistant County Attorney

Staff: Lisa Buerkley, County Treasurer
Robin Curry, Assistant County Administrator
Col. Les Hill, Sheriff's Department
Melanie M. Morris, Executive Assistant
James E. Parsons
Louis Kelly, Fiscal Court Clerk
Greg Sketch, County Engineer

ITEM II.

APPROVAL OF MINUTES

Commissioner Flaig moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of May 2, 2006. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit II A)

ITEM III.

DELEGATIONS

There were no delegations at this meeting

ITEM IV.

PERSONNEL MATTERS

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 06-71, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO APPOINT STEVEN WIRTH TO THE POSITION OF PART TIME MECHANIC I IN THE PUBLIC WORKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV A)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 06-72, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPOINTING MONESQUE DEREK THOMAS TO A SEASONAL PARK LABORER POSITION IN THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV B)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 06-73, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPOINTING ERIC ROBERT MAY TO THE PART-TIME SEASONAL POSITION OF ARBORETUM INTERN IN THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV C)

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Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 06-74, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING VARIOUS SEASONAL APPOINTMENTS AT THE GOLF COURSES. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV D)

ITEM V.

ORDINANCES

Commissioner Kenner moved, seconded by Commissioner Moore to approve Ordinance 06-04, an Ordinance of the Boone County Fiscal Court approving, with conditions, a request of Toebben Ltd. (applicant) for Toebben Ltd. (Owner) for a zoning map amendment, such zoning map amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban (RS), and variances to allow the front and rear setbacks for certain proposed flag lots to be reduced from 40 feet to 10 feet, both for a 55.966 acre site located at 2188 Rice Pike, Boone County, Kentucky. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Moore to approve Ordinance 06-05, AN ORDINANCE OF THE FISCAL COURT OF BOONE COUNTY, KENTUCKY PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY NuVo TECHNOLOGIES LLC UNDER THE KENTUCKY JOBS DEVELOPMENT ACT (KRS 154.24.010-.160, KRS 141.120, KRS 141.350 and KRS 141.407). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Moore to approve Ordinance 06-06, AN ORDINANCE OF THE FISCAL COURT OF BOONE COUNTY, KENTUCKY PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY DAVITT AND HANSER MUSIC CO. INC. UNDER THE KENTUCKY JOBS DEVELOPMENT ACT (KRS 154.24.010-.160, KRS 141.120, KRS 141.350 and KRS 141.407). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Mitch Light gave a presentation and a first reading was given for the Planning Commission's recommendation for AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF JAMES W. BERLING (APPLICANT) FOR CAMP ERNST ROAD LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 53.6235 ACRE SITE LOCATED AT 2976 LONGBRANCH ROAD, BOONE COUNTY, KENTUCKY. No date was set for the second reading.

Patty Bachman gave a presentation and a first reading was given for the Planning Commission's recommendation for AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF ERPENBECK CONSULTING ENGINEERS, INC. (APPLICANT) FOR WAGSTAFF, INC. (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE/PLANNED DEVELOPMENT (I-1/PD) ZONE FOR A 14.33 ACRE SITE LOCATED AT 4657 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. No date was set for the second reading.

ITEM VI.

JUDGE'S REPORT

Judge Moore signed a proclamation declaring May 2006 as "Older Americans and Elder Abuse Awareness Month".

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Judge Moore signed a proclamation declaring May 2006 as "Boone County Arboretum Month".

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 06-75, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING ED DIVINE TO THE POINT PLEASANT FIRE PROTECTION DISTRICT BOARD. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI C)

ITEM VII.

OLD BUSINESS

There was no old business at this meeting.

ITEM VIII.

ADMINISTRATIVE MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 06-76, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT ADOPTING THE FINDINGS OF THE ENVIRONMENTAL ASSESSMENT PREPARED BY KENTUCKY HOUSING CORPORATION FOR THE BRIGHTON RECOVERY CENTER RECOVERY KENTUCKY PROJECT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII A)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 06-77, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AGREEING TO THE GUIDEFORM RESIDENTIAL ANTIDISPLACEMENT PLAN UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED FOR THE BRIGHTON RECOVERY CENTER RECOVERY KENTUCKY PROJECT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII B)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 06-78, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING RECEIPT OF STATE CLEARINGHOUSE COMMENTS FOR THE BRIGHTON RECOVERY CENTER RECOVERY KENTUCKY PROJECT AND COMMITTING THE BOONE COUNTY FISCAL COURT TO FOLLOW ALL COMMENTS SO RECEIVED IN THE IMPLEMENTATION OF THIS PROJECT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII C)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 06-79, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE TO EXECUTE AN AGREEMENT BETWEEN BRIGHTON RECOVERY CENTER LIMITED PARTNERSHIP AND BOONE COUNTY FISCAL COURT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII D)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 06-80, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO CDBG FUNDS AWARDED TO THE BOONE COUNTY FISCAL COURT FOR THE BRIGHTON RECOVERY CENTER RECOVERY KENTUCKY PROJECT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII E)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 06-85, a Resolution adopting and approving the execution of a County Road Aid Coop Program Contract between

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the Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs, for the fiscal year beginning July 1, 2006, as provided in the Kentucky Revised Statutes and accepting all roads and streets referred to therein as being a part of the County Road System. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII F)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 06-86, a Resolution adopting and approving the execution of a Municipal Aid Coop Program Contract between the Fiscal Court of said county acting for the Unincorporated Urban Place and the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs for the fiscal year beginning July 1, 2006, as provided in the Kentucky Revised Statutes and accepting all of the roads referred to therein as being urban roads which are part of the Unincorporated Urban Place. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII G)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 06-87, a Resolution adopting and approving the execution of a Municipal Aid Coop Program Contract between the Fiscal Court of said county acting for the Unincorporated Urban Place and the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs for the fiscal year beginning July 1, 2006, as provided in the Kentucky Revised Statutes and accepting all of the roads referred to therein as being urban roads which are part of the Unincorporated Urban Place. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII H)

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 06-88, a Resolution adopting and approving the execution of a Municipal Aid Coop Program Contract between the Fiscal Court of said county acting for the Unincorporated Urban Place and the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs for the fiscal year beginning July 1, 2006, as provided in the Kentucky Revised Statutes and accepting all of the roads referred to therein as being urban roads which are part of the Unincorporated Urban Place. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII I)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 06-89, a Resolution of the County of Boone, Kentucky approving and authorizing an agreement between the County of Boone, Kentucky and the Kentucky Infrastructure Authority. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII J)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 06-81, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT ACCEPTING A GRANT FROM THE HEALTH FOUNDATION OF GREATER CINCINNATI. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII K)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 06-82, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING THE ANNUAL AUDIT OF THE ASSISTED HOUSING DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII L)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 06-83, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDING THE BIDS FOR CUSTODIAL SUPPLIES. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII M)

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Commissioner Kenner moved, seconded by Commissioner Moore to table Exhibit VIII N for the next fiscal court meeting.

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 06-84, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDING THE BIDS FOR HARDWARE. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII O)

A Public Hearing was conducted regarding the proposed use of County Road Aid and Local Government Economic Assistance Funds.

ITEM IX.

NEW BUSINESS

Boone County resident John Smarr addressed the Court to discuss issues over water line expansion to the Petersburg area. Judge Moore and Jim Parsons explained the County's procedure on expanding water lines.

ITEM X.

FISCAL MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore, to approve an invoice report dated 05-19-06 and prepaid invoice reports dated 05-05-06 and 5-12-06. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibits XA, A1, A2)

Commissioner Moore moved, seconded by Commissioner Kenner to approve an annual standing order to pre-approve certain recurring expenses. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X B)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Court Order #8, an order of the Boone County Fiscal Court authorizing transfers in the amount of \$69,450 within the adopted fiscal year 2005-2006 budget.

ITEM XI.

ADJOURNMENT

Commissioner Moore moved, seconded by Commissioner Kenner, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0). The meeting was adjourned at 7:05p.m.

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CLERK CERTIFICATION

I, _____, 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 May 16, 2006.

Fiscal Court Clerk

Date: _____