

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, January 2, 2007
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
Major Ben Huff, Sheriff's Department
Melanie M. Morris, Executive Assistant
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Louis Kelly, Fiscal Court Clerk
Greg Sketch, County Engineer

Commissioner Moore was not present at the beginning of the meeting but called to say that she was on her way and would be joining the Court later in the meeting.

ITEM II.

APPROVAL OF MINUTES

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of December 19, 2006. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

ITEM III.

DELEGATIONS

Judge Moore presented an award to retiring Golf Course Superintendent Jerry Coldiron for 27 years of service.

ITEM IV.

PERSONNEL MATTERS

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-01, a Resolution of the Boone County Fiscal Court re-appointing Department Heads to their positions for the calendar year 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit IV A)

ITEM V.

ORDINANCES

Second reading was given for An Ordinance of the Boone County Fiscal Court approving, with conditions, for a request of Bayer-Becker c/o Nicole Daily (applicant) for Joseph Bremke, William Vogt, Barbara Schubert, Paulette Harp, Bonita Biggs and Claudette Peters (owners) for a zoning map amendment, such zoning map amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for a 7.3 acre site located at 1009 Petersburg Road, Boone County, Kentucky.

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Commissioner Flaig moved, seconded by Commissioner Kenner to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VA)

ITEM VI.

JUDGE'S REPORT

Judge Moore moved, seconded by Commissioner Flaig to approve Resolution 07-02, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, re-appointing Gregory V. Sketch as County Road Engineer. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI A)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-03, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Monica Braunwart to the Northern Kentucky Area Development District Council on Aging. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI B)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-04, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Marty Herbert to the Northern Kentucky Area Development District Council on Aging. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI C)

ITEM VII.

OLD BUSINESS

There was no old business before the Court at this meeting.

ITEM VIII.

ADMINISTRATIVE MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-05, a Resolution of the Boone County Fiscal Court approving the public official bond for the County Judge/Executive through the Ohio Casualty Insurance Company. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII A)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-06, a Resolution of the Boone County Fiscal Court approving the public official bond for the County Sheriff through the Ohio Casualty Insurance Company. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII B)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-07, a Resolution of the Boone County Fiscal Court approving the public official bond for the County Coroner and his Deputies through the Ohio Casualty Insurance Company. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII C)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-08, a Resolution of the Boone County Fiscal Court approving the public official bond for the County Clerk through the Ohio Casualty Insurance Company. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII D)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-09, a Resolution of the Boone County Fiscal Court approving the public official bond for the County Jailer

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through the Ohio Casualty Insurance Company. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII E)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-10, a Resolution of the Boone County Fiscal Court awarding the bid for the landslide stabilization of Rabbit Hash Hill Rd to Necamp Construction Company. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII F)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-11, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to execute an agreement between the Drees Company for transfer of property on Oakbrook Drive. County Administrator Jeff Earlywine noted that the property being sold would be used as part of the South Airfield Road Project. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VIII G)

Following the vote, Commissioner Moore arrived and joined the meeting.

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-12, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to submit a Congestion Mitigation and Air Quality (CMAQ) Improvement Program application for Conrad turn lanes and Limaburg access road. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII H)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-13, a Resolution of the Boone County Fiscal Court approving the County Clerk's budget, general term order and annual order for setting the maximum amount for deputies and assistants of the County Clerk's Department for the calendar year 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII I)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-14, a Resolution of the Boone County Fiscal Court approving an additional allocation of Mental Health/Mental Retardation/Aging funds for services at the Boone County Jail. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII J)

ITEM IX.

NEW BUSINESS

Mitch Light gave a presentation from the Planning Commission on a request of One Eleven Engineering & Surveying, PLLC (applicant) for Roslyn Wachs, trustee (owner) for a zoning map amendment on a 50.78 acre site generally located on the north side of Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky.

Judge Moore noted that the planning commission sent this report to the Fiscal Court with a tie vote of 5-5 and no recommendation. He then asked County Attorney J.R. Schrand to explain the process that would follow.

Mr. Schrand stated that if the Fiscal Court wanted to take affirmative action to approve this request, a majority of the Court would have to instruct the staff to conduct a first and second reading of the ordinance along with any other advertising requirements generally used for the passage of ordinances.

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However, should the Court want to deny the request, it could be done via resolution without advertisement or 2nd reading.

Commissioner Moore asked Mr. Light about any changes from the developer's previous request to the current one. Mr. Light responded that the most significant changes were that the developer was requesting a zone change to Rural Suburban Open Space (as opposed to Suburban Residential One, which was requested last year) which would allow more green space. The developers were also adding walking trails, reducing the amount of units from 153 to 147 and lowering the density of lots per acre from 3.3 to 2.89.

Following some brief questions, Judge Moore asked the members of the Court if they wanted to take any action tonight regarding this issue. Commissioner Kenner replied that he did not believe that enough changes had been made to the developers plan and that the current infrastructure did not support the development. He then made a motion to pass a Resolution denying the request. The motion was seconded by Commissioner Flaig.

Prior to the vote, the findings of fact were read into the record, these findings include:

1. The existing infrastructure cannot support the proposed development and no plans existed to improve the infrastructure in the future.
2. The applicant has not demonstrated that the existing zone classification of A-2 is inappropriate.
3. The applicant has not specifically demonstrated that the proposed zoning classification is in agreement with the 2005 Boone County Comprehensive Plan.
4. The Boone County Fiscal Court has not identified any facts which would lead to a finding that there have been major changes that substantially alter the area's character which would support the development.

Following the reading of the findings of fact, Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM X.

FISCAL MATTERS

Commissioner Flaig moved, seconded by Commissioner Moore, to approve an invoice report dated 12-29-06 and a prepaid invoice report dated 12-22-06. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit XA1, A2)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve the General Term Order for the Sheriff's Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X B)

Commissioner Moore moved, seconded by Commissioner Kenner to approve an annual order setting the maximum amount for Deputies and Assistants in the Sheriff's Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X C)

Commissioner Flaig moved, seconded by Commissioner Moore to approve the monthly financial report for November 2006. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X D)

ITEM VIII.

ADJOURNMENT

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Commissioner Kenner moved, seconded by Commissioner Flaig, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0). The meeting was adjourned at 6:35 p.m.

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CLERK CERTIFICATION

I, Louis Kelly, 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 January 2, 2007.

Louis Kelly
Fiscal Court Clerk

Date: _____