

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, February 27, 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: Robin Curry, Assistant County Administrator
Col. Les Hill, 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

ITEM II.

APPROVAL OF MINUTES

Commissioner Flaig moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of February 13, 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM III.

DELEGATIONS

Tom Shoemaker, representing the KY Transportation Cabinet's District Six Office, gave a presentation regarding the Cabinet's recommendations for its Rural and Secondary Road Projects. Following Mr. Shoemaker's presentation, County Engineer Greg Sketch stated that the recommended improvements to portions of KY 2850 and KY 1942 should be delayed until the entire road could be paved.

Following these remarks Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-36, a Resolution of the Boone County Fiscal Court approving the recommendations of the Kentucky Transportation Cabinet, Department Of Highways (District Six), with two exceptions, relative to the Rural Secondary Program for Boone County fiscal year 2007-08. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM IV.

PERSONNEL MATTERS

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-37, a Resolution of the Boone County Fiscal Court appointing Tim Williams as Assistant County Administrator. 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 07-38, a Resolution of the Boone County Fiscal Court authorizing various seasonal appointments in the Boone County Parks Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV B)

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, February 27, 2007
5:30 P.M.

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-39, a Resolution of the Boone County Fiscal Court appointing Anthony R. Laupp 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)

ITEM V.

ORDINANCES

Tabled from the meeting on February 13th, the Fiscal Court addressed a request for an ordinance of the Boone County Fiscal Court approving, with conditions, for a request of Anne McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a zoning map amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site generally located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and approving, with conditions, of a concept development plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site generally located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky.

Noting that public comment was taken at the last meeting, Judge Moore decided to allow brief comments from audience members supporting and opposing the proposed zone change.

Gerald Dusing, legal counsel speaking on behalf of the applicant, commended both the Fiscal Court and the Planning Commission on its thorough review process. Mr. Dusing noted that this was the 8th time the applicant has had to go a meeting to discuss the proposal. Concerning the obvious concerns for traffic, Mr. Dusing noted that the highway improvements had been deemed sufficient to address the increase in traffic by the Planning Commission, the KY Transportation Cabinet, and the Hebron Fire Protection District.

Following his comments Judge Moore invited those opposing the proposal to speak.

Linda Fussinger told the Court that she believed that the traffic studies supplied by the applicant did not adequately reflect the traffic problems on KY 237 and that there are too many projects scheduled for that road and this project was just too much.

Cathy Hahn Thomas stated that she also had concerns about the traffic and stated that there were enough grocery stores in the area and a Kroger's was not needed.

Following Ms. Thomas' remarks, Judge Moore asked if there was anyone present in the audience who simply wanted to ask questions regarding the project.

Bob Kirby asked if the applicant had considered making the straight lane at the KY 20/237 intersection a right/left turn option. The applicant's engineer, Jack Plfum stated that it was possible to do that but he did not believe it was necessary.

Ms. Fussinger asked if both sides of KY 20 were going to be improved or only the side Kroger's would be located. Mr. Plfum stated that both sides of KY 20 would receive improvements. Ms. Fussinger also asked if KY 20 would remain open during construction. Mr. Plfum stated that it would.

Ms. Thomas asked if a light could be put at the intersection of KY 237 and Cougar Path because she was concerned about the traffic when school lets out. Mr. Plfum stated that an additional light would have to

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, February 27, 2007
5:30 P.M.

be approved by the state because these are state roads and at present, the state does not believe a light is necessary at that intersection.

During these comments Mr. Dusing wanted to reiterate that the conditions of this zone change dictated that all road improvements be made before Kroger could occupy its building.

Following Mr. Dusing's remarks, Judge Moore opened the floor for discussion among the Fiscal Court members and staff.

Commissioner Kenner noted that he was prepared to support the proposal at the last meeting because of the commitment of the applicant to make the necessary road improvements at the KY 20/237 intersection. He particularly commended the applicant for committing to improvements on both sides of KY 20. Following his comments Commissioner Kenner made a motion to approve the applicant's request.

Commissioner Moore stated that she would second the motion due to the significant improvements that the applicant was prepared to make to the intersection. While she was concerned about traffic exiting on KY 20, she believed that the area in question would be developed eventually, and therefore the Fiscal Court should take advantage of the opportunity to include traffic improvements with the development.

Judge Moore stated that this was one of the more difficult decisions he has had to make while in office. He wanted to stress that the Fiscal Court could not make decisions based on economic competition. He echoed Commissioner Moore's sentiments noting that under the current zoning classification, a strip mall and apartment complex could move into to the proposed area without making any road improvements because it current zoning classifications.

Commissioner Flaig said that while she thinks this is a good project, she cannot support it because she believes KY 237 simply cannot handle the additional traffic. She stated that she would not support a motion to approve.

Following the discussion, Judge Moore called for a vote on the motion with the motion passing (3-1) with Commissioner Kenner, Moore, and Judge/Executive Moore voting in favor of the motion with Commissioner Flaig voting in opposition.

ITEM VI.

JUDGE'S REPORT

There were no items under the Judge's Report for this meeting.

ITEM VII.

OLD BUSINESS

At this point in the meeting, County Administrator Jeff Earlywine wanted to address the discussion that took place at the last Fiscal Court meeting regarding Park's usage fees. Mr. Earlywine stated that due to the length of the last meeting and the inclement weather, he did not have an opportunity to address the administrative staff's position and rationale behind the fee.

Mr. Earlywine started by noting that while the administration supports parks programs, it can be difficult to find funding for parks when those programs compete with essential services provided by the County. He stated that the objective of the usage fee was to recoup some of the out of pocket expenses incurred by

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, February 27, 2007
5:30 P.M.

the parks department in maintaining baseball fields, as well as creating additional revenue to enhance field maintenance and playability.

Mr. Earlywine noted that in response to community feedback, the County has decided to slightly adjust its policy and waive the usage fee to any participant who cannot pay due to economic hardship, as well as limit the total amount paid by an individual family to \$50 per year.

Mr. Earlywine also noted that usage fees represent an equitable solution to the problem of field enhancement as they simply charge a small fee for those who directly benefit from the enhanced service. This permits the Fiscal Court to maintain its low tax rates and ensures that all revenues derived from the fee will go towards field maintenance.

ITEM VIII.

ADMINISTRATIVE MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-40, a Resolution of the Boone County Fiscal Court authorizing the purchase of vehicles for the Boone County Sheriff's Department for Fiscal Year 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII A)

ITEM IX.

NEW BUSINESS

County Administrator Jeff Earlywine noted that the Citizen Satisfaction Survey would be going out to mail within the week.

ITEM X.

FISCAL MATTERS

Commissioner Moore moved, seconded by Commissioner Kenner, to approve an invoice report dated 02-23-07 and a prepaid invoice report dated 02-15-07. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Moore to approve the Monthly Financial Report for January 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Kenner to approve a Fiscal court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$343,758 within the adopted Fiscal Year 2006-2007 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM XI.

ADJOURNMENT

Before adjourning the meeting, Judge Moore expressed his condolences for the loss of former 4th District Congressman Gene Snyder. Judge Moore praised Congressman Snyder's dedication to the 4th District and wished his family well.

Commissioner Kenner moved, seconded by Commissioner Moore, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0). The meeting was adjourned at 6:47 p.m.

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, February 27, 2007
5:30 P.M.

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 February 13, 2007.

Louis Kelly
Fiscal Court Clerk

Date: _____