

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, May 15, 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
Bob Neace, County Attorney
Jeff Smith, Assistant County Attorney

Staff: Lisa Buerkley, County Treasurer
Robin Curry, Assistant County Administrator
Tim Williams, 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 May 1, 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit II A)

ITEM III.

DELEGATIONS

Ted Vogelpohl from Thelen Associates, Inc. gave a geotechnical report of Ryle Road. Mr. Vogelpohl's presentation stated that the topography and character of the soil makes Ryle Road slide-prone. He noted that over the past 5 years an increasing amount of areas on Ryle Road have been reclassified from potentially unstable to actively instable. He reported that the cost of repairing all sections of Ryle Road would cost approximately \$13.1 million dollars. It would cost \$4.8 million to repair the areas of active instability, and would cost \$3 million to replace just the areas with major disruption.

Following the presentation, Judge Moore asked Mr. Vogelpohl why the County could not employ a "band aid" approach to fixing the road. Mr. Vogelpohl explained that the character of the road and surrounding land is so bad that it will ultimately be too much to keep up with using only superficial remedies.

County Administrator Jeff Earlywine commented that he believed the most significant part of the presentation was that this was not a static problem and that the Ryle Road was increasingly getting worse.

Following Mr. Earlywine's comments, Judge Moore opened the floor for public comment.

Dan Dundes asked if any improvements to the road would stabilize homes on Ryle Road as well. Mr. Vogelpohl responded that stabilizing the road would most likely not stabilize the homes.

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Fred Baum requested that the road be moved up the hill where the land would be more stable.

Commissioner Flaig asked if the County could re-route the road. County Engineer Greg Sketch said they considered that idea but that it was not possible.

Judge Moore said that one possible option would be to close a portion of the road from the curve (south end) to River Bluff and asked how much that would cost. Mr. Vogelpohl stated that it would cost approximately \$2.4 million to fix this section of roadway.

Chuck Mizer thanked the Court for all of its hard work on this effort. He said that he believed the flood wall at River Bluff was working and wondered why it wouldn't work for the rest of the road? Mr. Vogelpohl stated that the sliding at River Bluff was not as bad as the rest of the road and that such a temporary fix would not work on a full scale.

Pat Goderwis noted that gravel trucks were coming to Ryle Road on a weekly basis and wondered if they were doing any good? Mr. Sketch replied that it was not working and that is why something needs to be done regarding this road.

Bonnie Hoffman wanted to respond to Judge Moore suggestion about closing a portion of the road between the curb and River Bluff and noted that there were approximately four houses in that area.

Judge Moore concluded the public comments and told the audience that no decision would be made today but that he wanted the public to be aware of the nature of the road and emphasize that the County currently does not have the funds available to make the required improvements. He stated that the public would be informed of any other meetings or decisions regarding this situation.

ITEM IV.

PERSONNEL MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-91, 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 A)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-92, a Resolution of the Boone County Fiscal Court appointing Mark Martin and Scott Koenig 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 B)

ITEM V.

RESOLUTIONS/ORDINANCES

First Reading, Budget Ordinance

First reading was given for an ordinance relating to the annual budget and appropriations for Fiscal Year 2007-08.

County Administrator Jeff Earlywine noted that there would be a presentation on the budget at the June 5th Fiscal Court meeting and second reading would be given at the June 19th meeting.

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Second Reading, Flood Damage Prevention Ordinance

Second reading was given for an ordinance replacing the current Chapter 151 of the Boone County Code of Ordinances with a new updated flood damage prevention ordinance in accordance with KRS 67.083(3)(i) and 67.084. Commissioner Kenner made a motion to approve the ordinance, seconded by Commissioner Flaig. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit V B)

Inducement Resolution, Kiswel USA

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-93, a Resolution of the Fiscal Court of the County of Boone, Kentucky, authorizing the issuance of not to exceed \$10,000,000 principal amount of county of Boone, Kentucky Industrial Building Revenue Bonds (Kiswel, Inc. Project), series 2007 (the "Bonds"), issued at the request of Kiswel, Inc., a Kentucky Corporation (the "Company"), for the purpose of financing the acquisition, renovation, improvement and equipping of a manufacturing plant located in the County of Boone, Kentucky; and approving, authorizing and acknowledging the execution and delivery of (1) a long agreement between the County of Boone, Kentucky, and the company; (2) an indenture of trust between Branch Banking and Trust Company, as trustee, and the County of Boone, Kentucky; (3) a bond purchase agreement among the County of Boone, Kentucky, the company and Scott & Stringfellow, Inc., t/a BB & T Capital Markets (the "Underwriter"); and (4) any and all other related documents necessary thereto. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit V C)

ITEM VI.

JUDGE'S REPORT

Judge Moore issued a proclamation declaring May 20th – 26th as "National Public Works Week." (Exhibit VI A)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-94, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Sheila K. Nolan to the Florence Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI B)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-95, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Linda Padgett to the Boone County Extension 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 before the Court at this meeting.

ITEM VIII.

ADMINISTRATIVE MATTERS

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-96, a Resolution of the Boone County Fiscal Court awarding the bid for the Boone County Fire Training facility site plan improvements phase I to M & W Excavation Company, Inc. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII A)

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Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-97, a Resolution of the Boone County Fiscal Court making application for reimbursement of county funds utilized for the transportation of non public school students. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII B)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-98, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to enter into an agreement with the Kentucky Transportation Cabinet for construction of the Shorland Drive/Richwood Rd connector. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII C)

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-99, a Resolution of the Boone County Fiscal Court awarding the bid for the Administration Building parking lot enhancements to Jarco, Inc. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII D)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-100, a Resolution of the Boone County Fiscal Court awarding the bid for parking lot asphalt for the Administration Building to Bluegrass Paving, Inc. Prior to the passage of the Resolution Mr. Earlywine noted that funding to finish this particular project was included in next year's budget proposal but is being approved today in order to expedite construction scheduling and acknowledging the County's commitment to complete the first phase of this project. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII E)

ITEM IX.

NEW BUSINESS

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-101, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to enter into a land purchase agreement with Thomas and Marilyn Leathers for the purchase of Property on KY 18. Judge Moore noted that this purchase was to facilitate the construction of the South Airfield Road Connector. He then called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IX A)

Mr. Earlywine wanted to acknowledge receipt of a petition signed by approx. 70 individuals requesting that the County enact an ordinance regulating ATV use in the County. Mr. Earlywine explained that the administrative staff was looking into the matter and advised the Court to refer this matter to the administrative staff for further review.

ITEM X.

FISCAL MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore, to approve an invoice report dated 05-15-07 and prepaid invoice reports dated 05-04-07 and 05-11-07. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Flaig to approve Court Order #7, a fiscal order of the Boone County Fiscal Court authorizing transfers in the amount of \$251,572. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM XI.

ADJOURNMENT

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Commissioner Flaig moved, seconded by Commissioner Moore, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0). The meeting was adjourned at 7:20 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 May 15, 2007.

Louis Kelly
Fiscal Court Clerk

Date: _____