

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, July 10, 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
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 Moore moved, seconded by Commissioner Flaig, to approve the Minutes from the meeting of June 5, 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit A)

ITEM III.

DELEGATIONS

Matt Becher gave a presentation on projects by the Boone County Historic Presentation Review Board.

ITEM IV.

PERSONNEL MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-143, a Resolution of the Boone County Fiscal Court approving the hiring of Kelly Chapman to the position of Solid Waste Enforcement Officer in the Public Works Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV A)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-144, a Resolution of the Boone County Fiscal Court appointing Blair Schroeder as Fiscal Court Clerk. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV B)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-145, a Resolution of the Boone County Fiscal Court approving the hiring of Micah Feldhaus to the position of Parks Laborer II in the Parks Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV C)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-146, a Resolution of the Boone County Fiscal Court approving the hiring of Robbie Hoffmann to the position of

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Parks Laborer II in the Parks Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV D)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-147, a Resolution of the Boone County Fiscal Court authorizing various part-time seasonal appointments for Golf Course Concessions. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV E)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-148, a Resolution of the Boone County Fiscal Court approving compensation adjustment for Josh Selm in the position of Arboretum Curator in the Boone County Parks Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV F)

ITEM V.

ORDINANCES

Second Reading, Robertson Zone Change Request

Second Reading was given for AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF JOHN ROBERTSON THROUGH ATTORNEY C.J. VICTOR (APPLICANT) FOR JOHN ROBERTSON (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL SERVICES (C-3) FOR A 1.18 ACRE PORTION OF A 2.62 ACRE TRACT LOCATED AT 5630 LIMABURG ROAD, BOONE COUNTY, KENTUCKY.

Following second reading Commissioner Flaig moved, seconded by Commissioner Kenner to approve the ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit V A)

First Reading, Sommerkamp Zone Change Request

Kevin Wall gave a presentation and first reading was given for AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF ABBY SOMMERKAMP (APPLICANT) FOR EM-A-NON ACRES, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM EMPLOYMENT PLANNED DEVELOPMENT (EPD) TO SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) FOR A 2.347 ACRE SITE GENERALLY LOCATED ON THE WEST OF GRAND NATIONAL BOULEVARD, IMMEDIATELY NORTH OF THE PROPERTY AT 11301 GRAND NATIONAL BOULEVARD AND ACROSS GRAND NATIONAL BOULEVARD FROM THE INTERSECTION WITH OVERLAND RIDGE, BOONE COUNTY, KENTUCKY.

2nd reading was tentatively scheduled for the August 6th meeting.

Vineyard Bond Resolution

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-149, A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$2,800,000 INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2007 (EDUCATIONAL FACILITIES PROJECT) OF THE COUNTY OF BOONE, KENTUCKY, THE PROCEEDS OF WHICH SHALL BE LOANED TO VINEYARD CHRISTIAN FELLOWSHIP OF NORTHERN KENTUCKY, INC. TO FINANCE THE ACQUISITION, CONSTRUCTION,

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INSTALLATION AND EQUIPPING OF AN INDUSTRIAL BUILDING TO BE LOCATED WITHIN THE COUNTY OF BOONE, KENTUCKY FOR USE IN FURTHERANCE OF THE EDUCATIONAL PURPOSES OF VINEYARD CHRISTIAN FELLOWSHIP OF NORTHERN KENTUCKY, INC.; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT, TAX REGULATORY AGREEMENT, MORTGAGE AND ASSIGNMENTS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit V C)

Maurer Bond Resolution

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-150, A RESOLUTION OF THE FISCAL COURT OF THE COUNTY OF BOONE, KENTUCKY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,100,000 PRINCIPAL AMOUNT OF COUNTY OF BOONE, KENTUCKY VARIABLE RATE DEMAND INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2007 (MAUER, LLC PROJECT) (THE "BONDS"), ISSUED AT THE REQUEST OF MAUER, LLC, AN INDIANA LIMITED LIABILITY COMPANY (THE "COMPANY"), FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION 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 LOAN AGREEMENT BETWEEN COUNTY OF BOONE, KENTUCKY AND THE COMPANY; (2) A TRUST INDENTURE BETWEEN THE BANK OF NEW YORK TRUST COMPANY, N.A., A NATIONAL TRUST COMPANY, AND COUNTY OF BOONE, KENTUCKY; (3) A BOND PURCHASE AGREEMENT AMONG THE COUNTY OF BOONE, KENTUCKY, THE COMPANY AND FIFTH THIRD SECURITIES, INC. (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 D)

ITEM VI.

JUDGE'S REPORT

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-151, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, appointing John A. Hill to the Sanitation District No. 1 Board of Directors. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI A)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-152, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, appointing Bryan Carlisle to the Transit Authority of Northern Kentucky (TANK) Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI B)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-153, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, appointing James Daugherty to the Boone County Water District Commission. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI C)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-154, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge

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Executive, re-appointing Kirk Kavanaugh to the Northern Kentucky Independent District Health Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI D)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-155, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, re-appointing James McGruder to the Boone County Zoning Appeals Adjustment Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI E)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-156, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, re-appointing James B. Walton to the Belleview Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI F)

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-157, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, re-appointing Randall Setters to the Union Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI G)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-158, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, re-appointing James W. Butler to the Walton Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI H)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-159, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge Executive, re-appointing Arthur L. Crowe to the Point Pleasant Fire Protection District. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI I)

ITEM VII.

OLD BUSINESS

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

ITEM VIII.

ADMINISTRATIVE MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-160, a Resolution of the Boone County Fiscal Court rejecting the reverse auction bids for salt. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII A)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-161, a Resolution of the Boone County Fiscal Court permitting an assignment of interest of unused tax credits under the Kentucky Jobs Development Act from SSE Manufacturing and Merchant's Cold Storage, LLC, to Schwan's Logistics, LLC. 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 07-162, a Resolution of the Boone County Fiscal Court awarding the bid for storm sewer construction to Generation 2 Construction, Inc. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII C)

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Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-163, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge Executive, to enter into an agreement with Ohio-Kentucky-Indiana Regional Council of Governments (OKI) for the purposes of providing funding for that organization for Fiscal Year 2008. 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 07-164, a Resolution of the Boone County Fiscal Court awarding the pavement interlayer bid for Fiscal Year 2007-2008. 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 07-165, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to sign a letter of agreement with the Kentucky Heritage Council for a Historical Preservation Grant. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII F)

ITEM IX.

NEW BUSINESS

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

ITEM X.

FISCAL MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore, to approve an invoice report dated 07-10-07 and prepaid invoice reports dated 06-25-07, 06-29-07, 07-03-07, and 07-06-07. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM XI.

ADJOURNMENT

Commissioner moved, seconded by Commissioner, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0). The meeting was adjourned at 6:30 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 July 10, 2007.

Louis Kelly
Fiscal Court Clerk

Date: _____