

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, September 4, 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 Flaig, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Terri Moore, Commissioner, District 3
Bob Neace, County Attorney
Louis Kelley, Assistant County Attorney

Staff: Lisa Buerkley, County Treasurer
Tim Williams, Assistant County Administrator
Col. Les Smith, County Sheriff
Melanie M. Morris, Executive Assistant
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Blair G. Schroeder, Fiscal Court Clerk
Greg Sketch, County Engineer

Judge Moore called for a moment of silence on behalf of the fallen soldier from Northern Kentucky who gave of his life in the War on Terror.

Commissioner Kenner then gave the Invocation and Pledge

A public hearing was held for the purpose of receiving comments regarding the Proposed 2007 Tax Rates. County Administrator Jeff Earlywine gave a brief presentation regarding the proposal. Judge Moore opened the floor for any public comments. Seeing that there were no members of the public who wished to address the court regarding the Proposed 2007 Tax Rates Judge Moore closed the public hearing and noted that second reading of the ordinance would be given later in the meeting.

ITEM II.

APPROVAL OF MINUTES

Commissioner Moore moved, seconded by Commissioner Flaig, to approve the Minutes from the meeting of August 21, 2007. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

DELEGATIONS

Judge Moore presented Burlington Fire Chief Ernie Biddle with an award issued to him by the Northern Kentucky Area Development District

ITEM IV.

PERSONNEL MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-184, A Resolution of the Boone County Fiscal Court appointing Will Bagley to the seasonal position of Park Attendant in the Parks Department Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV A)

ITEM V.

ORDINANCES

Second Reading, Regarding the Roslyn Wachs Zoning Map Amendment

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Second reading was conducted for an ordinance of the Boone County Fiscal Court approving, with conditions, for a request of Gerdes & Flesch Custom Homes (Applicant) for Roslyn Wachs, Trustee (owner) for a zoning map amendment, such zoning map amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for a 50.59 acre site generally located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. (Exhibit V A)

Judge Moore asked if anyone wished to speak out against the request. Judge Moore acknowledged that there were some in the crowd who wanted to address the court concerning this zone change. Judge Moore then opened the floor to Jerry Dusing, who was in attendance to represent the applicant Gerdes & Flesch Custom Homes.

Mr. Dusing briefed the Fiscal Court regarding the differences between this proposal and a previous proposal in 2005, and stated to the Court that this plan has addressed the previous concerns regarding site density and sight at the access point with regards to KY 18. Mr. Dusing in closing noted that the planning and zoning committee unanimously approved this plan.

After Mr. Dusing finished his presentation Judge Moore opened the floor to those present who were against the proposed zone change.

Susan Archibald, who has been residing in the property neighboring the Wachs, came to tell the court that she was against the measure. Her concerns were related to the impact of wildlife on the surrounding area, no road improvements to KY 18, car traffic safety as it relates to the Saddle Ridge Subdivision, and gravel trucks traveling along KY 18. Mrs. Archibald proposed that there should be a maximum of two homes per acre.

Carol Woods, Boone County resident and advocate, addressed the court. Mrs. Woods was extremely concerned about the potential danger that this zone change would have on school children. She felt that the sight distance on KY 18 was not sufficient around the Saddlebridge Subdivision and she felt as though the traffic count was inaccurate. Mrs. Woods submitted a typed copy of her remarks to the Fiscal Court.

Susan Ingram, a concerned citizen and school bus driver, addressed the court stating that she was opposed to the zone change, and that as a bus driver she felt as though this area is heavily traveled by fast driving trucks and that safety of school kids would be compromised if this amendment passed.

Upon seeing that all those present in the courtroom who wished to speak out against the zone map amendment had addressed the court, Judge Moore then allowed for Jerry Dusing to use his final five minutes of allotted time for a rebuttal.

Mr. Dusing briefed the court that the traffic study that was performed on the area was conducted by a professional group that has successfully managed multiple studies throughout the area. The traffic study concluded that this zone change would be statistically insignificant as it relates to KY 18. Mr. Dusing also indicated to the court that the current sight distance exceeds that state's requirements. Mr. Dusing, closed stressing to the Court that this plan was unanimously approved by the planning and zoning committee.

Judge Moore then referenced the potential trail plan along the property in question and asked Assistant County Administrator Tim Williams to address the Court regarding the trail plan.

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Mr. Williams showed the court a map of the potential trail plan and how it relates to the Wachs property. Mr. Williams requested that the Court consider as a condition of approval an amendment calling for an easement to be issued for a linear path along the creek.

Commissioner Kenner wanted to know how the developers (Gerdes & Flesch) felt about the path easement, potentially being added to the amendment. Upon the Fiscal Court's inquiry Mr. Dusing advised the Court that they did not want to agree to it. He felt that this could hurt his client in regards to their property dealings.

County Administrator Jeff Earlywine, reminded the Court that this matter could be tabled so long as it was addressed by vote at the next Fiscal Court Meeting. This particular zone change would take effect the day following the next Court meeting because by state statute, if the Fiscal Court failed to act within ninety days of the amendment being approved by the Planning and Zoning Commission the amendment would become law.

Commissioner Flaig moved, seconded by Commissioner Moore to table the ordinance until the September 18 Fiscal Court meeting. Judge Moore called for a vote on the motion, MOTION PASSES (4-0). (Exhibit V A)

Second Reading, Regarding A Zoning Map Amendment on Kroth Lane

Second reading was given on ordinance 07-19 of the Boone County Fiscal Court approving, with conditions, for a request of Miller Developers (applicant) for Conrad Nicholas, Estelle Nicholas, And David Kroth (owners) for a zoning map amendment, such zoning map amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for a 26.37 acre site generally located on the northeast corner of the Longbranch Road/Kroth Lane intersection and on the southeast corner of the Kroth Lane/Kdk Lane intersection, including the property at 2738 Longbranch Road, Boone County, Kentucky.

Judge Moore opened the floor for public remarks; however no one present wished to address the court either in opposition to or support of the zoning map amendment.

Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Ordinance. Judge Moore called for a vote on the motion, MOTION PASSES (4-0). (Exhibit V B)

Second Reading, Establishing the 2007 Ad Valorem Tax Rates

Second reading was given on ordinance 07-20 of the Boone County Fiscal Court establishing the 2007 Ad Valorem Tax Rates for BOONE COUNTY, KENTUCKY.

Prior to Judge Moore calling for a vote, he challenged the commissioner's to be more involved in determining where to find money as it relates to the budget. He acknowledged that these rates will help in managing the financial matters facing the county but that they will be no means solve the financial burdens facing the county.

Commissioner Moore moved, seconded by Commissioner Kenner to approve the Ordinance. Judge Moore called for a vote on the motion, MOTION PASSES (3-1). Commissioner Flaig voted in opposition of the ordinance. (Exhibit V C)

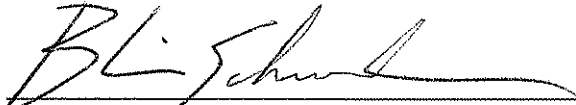
ITEM VI.

JUDGE'S REPORT

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CLERK CERTIFICATION

I, Blair Schroeder, 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 September 4, 2007.



Blair Schroeder
Fiscal Court Clerk

Date: 9-18-07