

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**Tuesday, December 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  
Robert Neace, County Attorney

Staff: Lisa Buerkley, County Treasurer  
Tim Williams, Assistant County Administrator  
Maj. Ben Huff, County Sheriff  
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Blair G. Schroeder, Fiscal Court Clerk  
Robin D. Curry, Assistant County Administrator  
Jeff Smith, Assistant County Attorney  
Greg Sketch, County Engineer

**ITEM II.**

**APPROVAL OF MINUTES**

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of November 27, 2007. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

**ITEM III.**

**DELEGATIONS**

There were no delegations before the Court.

**ITEM IV.**

**PERSONNEL MATTERS**

There were no personnel matters before the Court.

**ITEM V.**

**ORDINANCES**

**First Reading, Ordinance Creating and Establishing a Code Enforcement Board**

First reading for AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT PURSUANT TO KRS 65.8801 TO KRS 65.8839 ESTABLISHING THE CODE ENFORCEMENT BOARD, IDENTIFYING MEMBERS, APPOINTMENTS, TERMS, QUALIFICATIONS, RULES AND REGULATIONS OF THE BOARD; ESTABLISHING FINES AND OR PENALTIES FOR VIOLATIONS; ESTABLISHING PROCEDURES AND PROCEEDINGS FOR ENFORCEMENT OF THE CODE; PROVIDING PROCEDURES FOR HEARINGS, NOTICE OF ORDERS, AND ADOPTING PROCEDURES FOR LIENS, FINES, CHARGES, AND FEES.

Assistant County Administrator Tim Williams led a power point presentation detailing the proposed ordinance that would create a Boone County Code Enforcement Board. Mr. Williams identified the duties, responsibilities, and scope of the board.

Staff members who participated in the presentation were Code Enforcement Supervisor Brad Horn, Mary Shinkle representing the Solid Waste Department, Josh Quinn representing the Boone County Sheriff's Department, and Robert Neace representing the County Attorney's Office.

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Each staff member spoke of how its department would work in conjunction with the proposed code enforcement board, and how this board would benefit their respective department.

Robert Neace, Boone County Attorney, briefed those present on the current process of code prosecutions within the County. Neace noted that this board would only hear matters regarding civil cases, not criminal. He also identified that all rulings by the board could be appealed to District Court if the parties involved chose to do so. Mr. Neace pointed out that establishing a Code Enforcement Board could help alleviate an already clogged District Court docket - thus, resulting in disputes being resolved in a timelier manner.

Judge Moore reiterated that the establishment of a Code Enforcement Board would not be creating any new ordinances or code violations; but that the purpose, function, and intent of the board is to change the method of enforcement.

Judge/Executive Moore then opened the floor to discussion.

Mike Moreland, a County resident and property rights advocate, posed several questions to the court regarding the establishment a Code Enforcement Board. Mr. Moreland wanted to know if this board would be subject to Kentucky's open meetings guidelines.

Mr. Moreland also raised concerns about how this would affect due process of the law, and what the timeline would be for approval and implementation. He also wanted to know if this board was created could the County dissolve it at a later date.

Judge Moore stated that he felt that this proposal acted as a friend to property rights, and was compliant with due process, because it would expedite the legal process and act as an enforcement mechanism as oppose to a legislative body. Moore also reassured the audience that if the proposed Code Enforcement Board were to be implemented by the Fiscal Court it could be also be dissolved by the Court if it deemed necessary.

Jim Newman, a local resident, wanted to know if the Ordinance and power point would be available on-line for the public to view.

Judge Moore stated that the presentation, as well as the ordinance, would be available on the Boone County website for citizens to view.

Commissioner Flaig stated that she would like to see or attend a code enforcement board meeting hosted by another local government to see how the process worked prior to voting on the matter.

Judge Moore noted that this was only a first reading for the ordinance and that Court could schedule the second reading for December 18<sup>th</sup> and determine at that time if the they wished to vote on the ordinance or table it for a later date.

Second reading for this ordinance was tentatively scheduled for the December 18<sup>th</sup> meeting.

**First Reading, Adopting an MHMR Amendment to Occupational License Ordinance**

First reading for an ordinance of the Boone County Fiscal Court amending Chapter 110 of the Boone County Code Of Ordinances as it relates to Occupational Licenses for Mental Health/Mental Retardation/ Aging, said provisions having been previously adopted by Ordinance 430.7 on April 21, 1987. (Exhibit V B)

Second reading for this ordinance was tentatively scheduled for the December 18<sup>th</sup> meeting.

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**Second Reading, Adopting a Supplement to the Code of Ordinances**

Second Reading for an ordinance of the Boone County Fiscal Court enacting and adopting a supplement to the Code of Ordinances of the county of Boone, Kentucky.

Commissioner Kenner moved, seconded by Commissioner Moore to approve the Ordinance 07-25. Judge Moore called for a vote on the motion, MOTION PASSES (4-0). (Exhibit V C)

**ITEM VI.**

**JUDGE'S REPORT**

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-222, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge-Executive, re-appointing Dennis Joseph Mathis to the Boone County Extension District Board. 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 07-223, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge-Executive, re-appointing Linda Padgett to the Boone County Extension District Board. ALL PRESENT VOTING AYE (4-0). (Exhibit VI B)

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-224, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, re-appointing Randolph Poe to the Boone County Planning & Zoning Commission. ALL PRESENT VOTING AYE (4-0). (Exhibit VI C)

**ITEM VIII.**

**ADMINISTRATIVE MATTERS**

**Lease/Purchase Agreement for a Rubber Tire Loader**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 07-225, a Resolution of the Boone County Fiscal Court awarding the bid for a lease/purchase agreement for a rubber tire loader to Southeastern Equipment Company. Judge Moore called for a vote on the motion, MOTION PASSES (4-0). (Exhibit VII A)

**Execution of Preserve America Grant Agreement for Signage Project**

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Resolution 07-226, a Resolution of the Boone County Fiscal Court authorizing the County Judge/Executive to execute grant agreement number 21-07-PA-3059 with the United States Department of Interior, National Park Service in the amount of \$22,500 for the historic Downtown Burlington Signage Project.

Commissioner Moore asked if this grant required a match.

Tim Williams, Assistant County Administrator, noted that this grant did require a match, however, the County would be allowed to count personnel cost toward the match. Therefore, the estimated total cost of the signage project would be about \$6,000.

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

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**Bid Award for R.C. Durr YMCA Construction**

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve Resolution 07-227, A Resolution of the Boone County Fiscal Court awarding the bid for the Senior Center at the R.C. Durr YMCA to Ashley Construction, Inc. It was noted that no County funds would be involved in this project with all funding coming from a CBDG Grant and the remaining funds coming from the YMCA. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII C)

**Approving Contract with OKI for Development of a Fiscal Impact Model**

County Administrator Jeff Earlywine remarked that OKI was working to create a custom fiscal impact model that would provide an estimate of cost for regional land use and development. He went on to state that many other local government agencies had already agreed to be apart of the development process, and how Boone County could benefit by partnering with OKI for this project.

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Resolution 07-228, A Resolution of the Boone County Fiscal Court approving a contract with OKI to develop a fiscal impact model together with other local government agencies within the region. This contract stipulates a three year commitment with OKI in which funding is not to exceed \$5,000 annually. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII D)

**ITEM VII.**

**OLD BUSINESS**

The Janitorial Services Bid was awarded to Cleaner Carpet & Janitorial Services, as item VIII A, at the Fiscal Court Meeting held on November 27, 2007 pending certain requirements and affirmations imposed by the Court.

County Administrator Jeff Earlywine noted that there were several questions regarding the Janitorial Bid as well as budgetary matters that were posed at the last meeting that the staff had researched and was prepared to respond.

Assistant County Administrator Robin Curry briefed the Court regarding the location and licensing questions raised about Cleaner Carpet & Janitorial Inc. He stated that the business was established in 1971 and has had an office located in Florence for over a year. He verified the company's standing with the Better Business Bureau and found that there were no complaints on record. Lastly, Mr. Curry cited that this business has all necessary licensing required to operate in Boone County.

Mr. Earlywine noted that there were several other questions posed by the Court at the last meeting in which further staff review and research had been completed.

Mr. Earlywine clarified that the second shift janitorial crew was the fifth department to experience a reduction of workforce, noting that there had previously been reductions in four other county departments.

Mr. Earlywine also explained that this was not the first time that the County has contracted out other work, citing positive examples from the Parks Department, Public Works, as well as the Golf Course.

Mr. Earlywine also referenced a memo dated November 12<sup>th</sup>, 2007, that had been provided to Fiscal Court Members and Senior Staff regarding a cost benefit analysis of county vehicle use, specifically relating to take-home use.

Mr. Earlywine made several remarks regarding budget balancing options, specifically as it relates to divesting ownership of public property of the Union Pool. He noted that the County owns not only the property in which the pool is on, but also surrounding property. Upon review of operations during 2003-

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2007 of the property it had been concluded that the Union Pool required an annual subsidy of approximately \$27,000.

Judge Moore noted that some of the properties that the County owned near the Union Pool had been donated by former Judge/Executive Bruce Ferguson.

Mr. Earlywine also spoke on matters regarding sound fiscal policy. He referenced assets such as the Woods Point Senior property that was liquidated as well as the old Planning and Zoning Building that is going to be leased to the Commonwealth Attorney. Earlywine noted that these are examples of where the County has made an effort to address underperforming assets cost and in some cases generate revenue.

Judge Moore opened the floor to anyone who wanted to comment or post a question regarding these matters.

Commissioner Flaig stated that she believes that the use of county vehicles is excessive and that there should be no take home vehicles especially with gas the high cost of gasoline. Commissioner Flaig also stated that she is still unhappy with the outcome of the Janitorial Bid, and that she would continue to work to try to find better ways to save money.

Judge Moore recognized that the Fiscal Court, as well as the County Administration, shared the objective of being good stewards of County resources and would continue to explore ways to operate more efficient while at the same time maintain service to its residents.

**ITEM IX.**

**NEW BUSINESS**

There was no new business before the Court

**ITEM X.**

**FISCAL MATTERS**

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve an invoice report dated 11-27-07 and 12-04-07 & a prepaid invoice report dated 11-30-07. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X A)

**ITEM XI.**

**ADJOURNMENT**

Commissioner Moore moved, seconded by Commissioner Flaig, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0).

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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 December 4, 2007.

  
\_\_\_\_\_  
Blair Schroeder  
Fiscal Court Clerk

Date: 12-19-07