

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, December 18, 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
Robert Neace, County Attorney

Staff: Lisa Buerkley, County Treasurer
Tim Williams, Assistant County Administrator
Col. Les Hill, 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

Judge Moore noted that Commissioner Moore would not be attending tonight's meeting due to the pending birth of her grandchild.

ITEM II.

APPROVAL OF MINUTES

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of December 4, 2007. Judge Moore called for a vote on the motion, MOTION PASSES (3-0).

ITEM III.

DELEGATIONS

Mary Shinkle and Becky Halterman, from the Solid Waste Department, presented the winner's of the "Quit Littering" Calendar Contest.

Sheriff Mike Helmig was present at the meeting to make a brief presentation before the Fiscal Court regarding the 2008 calendar year budget, General Order and Annual Order. During his presentation, Sheriff Helmig remarked that he was aware of the current budget constraints that the County was facing and noted that he has prepared a budget that shares in the County's goal of fiscal efficiency.

Judge Moore and County Administrator Jeff Earlywine noted the Sheriff's efforts and praised his department's proposal.

Following these remarks, Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-238, That Boone County Fiscal Court hereby approves the Sheriff's Budget, General Term Order, and Annual Order for the calendar year 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII C).

ITEM IV.

PERSONNEL MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-229, A Resolution of the Boone County Fiscal Court approving the hiring of a Special Event Worker for the Parks Department, ALL PRESENT VOTING AYE (3-0). (Exhibit IV A).

ITEM V.

ORDINANCES

First Reading, Ordinance Regarding a Developmental Concept Change for Answers in Genesis.

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Presentation by Kevin Wall and First Reading, for AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF LEROY LAMONTAGNE (APPLICANT) FOR ANSWERS IN GENESIS (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN ON AN APPROXIMATE 47 ACRE SITE LOCATED AT 2800 BULLITTSBURG CHURCH ROAD, BOONE COUNTY, KENTUCKY. (Exhibit V A)

Commissioner Cathy Flaig asked for further explanation of the turn lane that Mr. Wall referenced in his presentation. Mr. Wall stated that because of the amount of traffic there were some safety concerns regarding access to the museum and that there would be a traffic engineering analysis to determine if a turn lane is appropriate.

A second reading for this ordinance was scheduled for January 22, 2008.

Second Reading, Ordinance Creating and Establishing a Code Enforcement Board

Second 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.

Judge Moore noted that this matter would not be voted on at tonight's meeting, stating that the Court did not want to rush this important matter. He wanted all the members of the Court to feel comfortable with the process and in light of Commissioner Moore's absence he thought that this measure would be best served if tabled for a later date.

Judge Moore did want to clarify that any fines levied by the Code Enforcement Board would be directed toward the County's General Fund.

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.

Commissioner Kenner moved, seconded by Commissioner Flaig to table this Ordinance to the January 8, 2008 meeting of the Fiscal Court. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI B).

Second Reading, Adopting an MHMR Amendment to Occupational License Ordinance

Second 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 C)

County Administrator Jeff Earlywine remarked that this change is in response to a change in state statute as it relates to language and definition. He continued to say that this is part of an effort to standardize not to change rates.

Judge Moore clarified provisions of this ordinance as it pertained to clergy. He cited that this was a State requirement and that the County is mandated to comply, otherwise he would not support such a change. Judge Moore noted that he had met with local religious leaders to explain this matter and the County's

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position; he mentioned that while they were not excited about being required to pay this tax, they understood the County's requirement to comply with the State's provisions.

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Ordinance 07-26, 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. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit V C).

Second Reading, Adopting an Amendment to the Occupational License Ordinance

Second Reading, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT AMENDING CHAPTER 110 OF THE BOONE COUNTY CODE OF ORDINANCES HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 430.1 ON MAY 2, 1978 AND AMENDED BY ORDINANCES 430.1A (12-8-1992), 430.3 (10-21-1980), 430.4 (3-11-1986), 430.4A (2-20-1990), 430.5 (5-6-1986), 430.7 (4-21-1987), 2000-09 (5-16-2000), AND 03-08 (2-18-2003).

Mr. Earlywine noted that this amendment was similar to the previous ordinance in that it did not change rates, but that it merely was a clarification of language and wording.

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve Ordinance 07-27, an Ordinance of the Boone County Fiscal Court amending Chapter 110 of the Boone County Code of Ordinances having been previously adopted by Ordinance 430.1 on May 2, 1978 and amended by Ordinances 430.1A (12-8-1992), 430.3 (10-21-1980), 430.4 (3-11-1986), 430.4A (2-20-1990), 430.5 (5-6-1986), 430.7 (4-21-1987), 2000-09 (5-16-2000), AND 03-08 (2-18-2003). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit V D).

ITEM VI.

JUDGE'S REPORT

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-230, a Resolution of the Boone County Fiscal Court hereby approves the action of Gary W. Moore, County Judge-Executive, re-appointing the following members to the Central Park Arboretum Advisory Council. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI A).

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-231, a Resolution of the Boone County Fiscal Court hereby approves the action of Gary W. Moore, County Judge/Executive, re-appointing Mary Shinkle, Jeremy Kleier, and Mary Dickerson to the Northern Kentucky Solid Waste Management's Technical Advisory Committee. Said terms of office to expire December 31, 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI B).

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-232, a Resolution of the Boone County Fiscal Court hereby approves the action of Gary W. Moore, County Judge-Executive, re-appointing R. Charles Cain to the Boone County Water District Commission. Said term of office to expire December 31, 2011. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI C).

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-233, a Resolution of the Boone County Fiscal Court hereby approves the action of Gary W. Moore, County Judge/Executive, re-appointing Ted Bushelman to the Cable Community Program Center's Advisory Committee. Said term of office to expire December 31, 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI D).

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Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-234, a Resolution of the Boone County Fiscal Court hereby approves the action of Gary W. Moore, County Judge/Executive, re-appointing Susan Poston to the Boone County Planning & Zoning Commission. Said term of office to expire December 31, 2011. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI E).

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-233, a Resolution of the Boone County Fiscal Court hereby approves the action of Gary W. Moore, County Judge/Executive, re-appointing Mark Spicer & Lawrence D. Rosenthal to the Telecommunications Board of Northern Kentucky. Said term of office to expire December 31, 2009. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI F).

ITEM VII.

ADMINISTRATIVE MATTERS

Lease Authorization to Submit Grant Proposal for KHC

Assistant County Administrator Tim Williams and Human Services Director Kirk Kavanaugh gave a brief presentation regarding the proposed submittal of a grant application to the Kentucky Housing Corporation. They stated that this was simply asking for permission to apply for the grant and that Boone County has not been awarded the grant yet.

Mr. Kavanaugh noted that the grant would be in the amount of \$138,600 and be used for the purpose of identifying and renovating senior's homes that were deemed eligible for aid. Mr. Kavanaugh went on to identify the various stipulations of the grant and those who would be eligible for the aid.

Mr. Williams noted that this grant did call for a \$10,000 match. He also noted that there was a local organization that had agreed to partner with the County if this grant was received to administer the home improvements.

Mr. Jock Pitts, President of People Working Cooperatively (PWC), addressed the Court stating that they were excited about the potential to partner with Boone County in the grant application. Mr. Pitts also noted that PWC would commit \$15,000 of agency funds to help in the Homeowner Rehabilitation Project.

Upon hearing the presentation Judge Moore opened the floor to questions.

Mike Moreland, a County resident, asked the Court to clarify who would be eligible for such repairs and if the Court had ever attempted to lobby for different tax rates for seniors.

County Attorney Robert Neace noted that it is illegal to set tax rates based upon age.

Mr. Williams noted that only seniors who were homeowner's who met the qualifications of the Kentucky Housing Corporation would be eligible.

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-236, A Resolution of the Boone County Fiscal Court authorizing the County Judge/Executive to submit a grant proposal to the Kentucky Housing Corporation, Affordable Housing Trust Fund, in the amount of \$138,600 for the purpose of identifying and renovating eligible senior residences in need of home repairs within Boone County. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII A).

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Approval of the 2008 Fiscal Court Calendar

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 07-237, A Resolution of the Boone County Fiscal Court does hereby approve the Fiscal Court Calendar for the Calendar Year 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII B).

Approval of Sheriff's Budget, General Order and Annual Order for Calendar Year 2008

Judge Moore noted that this had been approved previously in the meeting after Sheriff Helmig's presentation.

Authorizing Execution of a MOA with NKU for Work in Boone Woods Park

Jeff Earlywine, County Administrator, provided some background information regarding the Allen Fork Headwater Study and referenced Scott Fennell's presentation to the Court on October 16th. Mr. Earlywine then briefly discussed the Allen Fork Headwater Feasibility Study and how it relates to Boone Woods Park. Earlywine mentioned the issues that face the area, and measures that would be taken to stabilize and renovate the area.

Judge Moore pointed out that the dollars being used to fund this project were not from the taxpayers, but from Airport mitigation fees.

Commissioner Flaig wanted to confirm that this would infringe on anyone's private property, and if this would help the Darlington Farms subdivision with the issues that they were facing.

Mr. Earlywine stated that this would in no way infringe on personal property. He also noted that this project would help Darlington Farms with their lake issue, but it would not solve it. Earlywine added that the subdivision's HOA was addressing their lake issue.

Commissioner Kenner noted that this project was a good example for the public to see.

Commissioner Kenner then moved for a vote on the motion, seconded by Commissioner Flaig, to approve Resolution 239, a resolution of the Boone County Fiscal Court authorizes approval of a resolution authorizing execution of an Memorandum Of Authorization with the Northern Kentucky University Center for Applied Ecology to complete the environmental restoration work in Boone Woods Park. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII D).

ITEM VIII.

OLD BUSINESS

There was no Old Business before the Court

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 12-18-07 & a prepaid invoice report dated 12-07-07 and 12-14-07. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit X A)

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Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the monthly financial report for November 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).
(Exhibit X B)

ITEM XI.

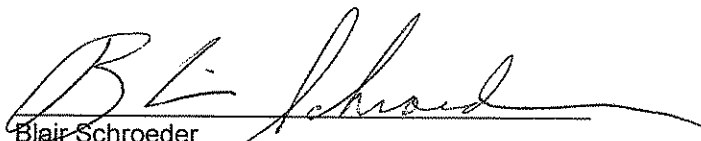
ADJOURNMENT

Commissioner Kenner moved, seconded by Commissioner Flaig, to adjourn the meeting, ALL PRESENT VOTING AYE (3-0).

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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 18, 2007.


Blair Schroeder
Fiscal Court Clerk

Date: 1-9-08