

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**Tuesday, January 22, 2008**  
**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  
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

Judge Moore noted that Commissioner Flaig would not be attending tonight's meeting due to a recent death in her family.

**ITEM II.**

**APPROVAL OF MINUTES**

Commissioner Moore moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of January 8, 2008. Judge Moore called for a vote on the motion, MOTION PASSES (3-0).

**ITEM III.**

**DELEGATIONS**

There were no delegations present at tonight's meeting.

**ITEM IV.**

**PERSONNEL MATTERS**

There were no personnel matters before the Court at this meeting

**ITEM V.**

**ORDINANCES**

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

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)

Judge Moore asked those in attendance if any of them wished to speak out against this proposed ordinance, seeing that there were none present in opposition, he then asked for the pleasure of the Court.

Commissioner Kenner moved, seconded by Commissioner Moore, to approve with Ordinance 08-01, 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

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County, Kentucky. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI A).

The Judge did note that this was approved pending conditions of approval as presented by the Planning Commission.

**First Reading, Regarding the Adoption of a Text Amendment to the S.O.B. Ordinance**

Presentation by Kevin Costello and First Reading, an Ordinance of the Boone County Fiscal Court relating to the adoption of text amendments of the Boone County zoning regulations to establish location regulations and requirements for sexually oriented businesses and to regulate the inappropriate and negative secondary effects of such businesses within Boone County.

Mr. Costello stressed to the Court that the changes to this ordinance were textual and therefore would make several adjustments to the map that was previously adopted. Mr. Costello also reiterated that just because a location was eligible for a SOB use today it would not necessarily be permitted in the future, since the zoning map changes over time.

Judge Moore noted that the map presented by Mr. Costello was one that indicated current locations in which a sexually oriented business could be opened. The Judge noted that if there were any new developments within the specified areas such as schools, parks, firehouse's or churches the existing map would then be altered and such a location would no longer be able to host a sexually oriented business.

Judge Moore also wanted to point out that just because a location is available to host an S.O.B. a business trying to move into that site would still be required to meet all business licensing requirements. The Judge stressed to those present that this is an effort to limit the available spaces within the County that are able to operate such types of businesses.

A second reading for this Ordinance was tentatively scheduled for February 26<sup>th</sup>.

**ITEM VI.**

**JUDGE'S REPORT**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 08-06, A Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge-Executive, County Judge/Executive, Appointing Russell Schwenke to the Union Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI A).

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 08-07, A Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge-Executive, re-appointing Mary Patricia Fox to the Boone County Historic Preservation Review Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI B).

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 08-08, A Resolution of the Boone County Fiscal Court approving the re-appointment of County Judge/Executive Gary W. Moore, to the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments Board of Trustees. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI C).

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 08-09, A Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge-Executive, appointing Vivian Llambi to the Boone County Planning & Zoning Commission. 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 Moore, to approve Resolution 08-10, A Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge-Executive, appointing Aaron Gruelle to the Union Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VI E).

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

**Approval of County Clerk's Budget, General Order and Annual Order for Calendar Year 2008**

County Administrator Jeff Earlywine made several remarks regarding the budget submitted by County Clerk Rena Ping. Mr. Earlywine noted that this budget did provide a 3 % cost of living increase, which the Court has approved for other departments.

Mr. Earlywine noted that Mrs. Ping is willing to contract her IT needs with the County's Information Systems Department which will prove to be a significant cost cutting measure while enhancing service to the public. He also noted that such savings in cost will be applied to site improvements for the Clerk's facilities.

Both Commissioner Moore and Kenner stated that they were looking forward to working with Mrs. Ping and appreciated the service that she and her staff provided to the County.

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 08-11, A Resolution of the Boone County Fiscal Court approving the County Clerk's Budget, General Term Order and Annual Order for setting the maximum amount for deputies and assistants of the County Clerk's department for the calendar year 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII A).

**Awarding of Phase One Engineering Services for the Hempfling Soccer Complex**

Assistant County Administrator Tim Williams made several remarks regarding the Conrad Hempfling Soccer Complex. He noted that the designated property is an ideal place for such a complex such as the one proposed. Mr. Williams briefed the Court on the assembled search committee and their findings as it related to potential revenue such a facility could bring into the County. He also noted the committee's review of the multiple firms that submitted contracts for the Phase One Engineering project. Mr. Williams, on behalf of the committee, was proud to recommend Clough-Harbor Associates and Land Consultants, Inc for the project. Williams noted that this firm not only came highly recommended by their references, but also had strong experience in developing soccer only facilities. Williams further noted that this firm was unanimously approved by the five member committee.

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 08-12, A Resolution of the Boone County Fiscal Court awarding the contract for Phase I Engineering Services for the Hempfling Soccer Complex to Clough-Harbor Associates and Land Consultants, Inc. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII B).

**Approval of Permanent Divestiture of 12 Section 8 Housing Choice Vouchers**

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 08-13, A Resolution of the Boone County Fiscal Court authorizing and directing Gary W. Moore, County Judge/Executive, to approve the permanent divestiture of the twelve (12) Section 8 Housing choice vouchers to the Kentucky Housing Corporation and hereby directs the director of the Assisted Housing

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Department to inform the U.S. Department Of Housing And Urban Development that twelve (12) Section 8 Housing choice vouchers will be transferred from the Boone County Assisted Housing Department to the Kentucky Housing Corporation. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII C).

**Authorization to Submit A Trees in Our Communities Grant Application**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 08-14, A Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive to submit a Trees In Our Communities Grant Application for the Boone County Fiscal Court Campus. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII D).

**Authorization to Submit A CMAQ Application for Limaburg Road at KY 18**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 08-15, A Resolution of the Boone County Fiscal Court Authorizing Gary W. Moore, County Judge/Executive, to submit a Congestion Mitigation And Air Quality (Cmaq) Improvement Program Application for Improvements to turn lanes on Limaburg Road At Ky18. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII E).

**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 Moore moved, seconded by Commissioner Kenner, to approve an invoice reports dated 1-22-08 & a prepaid invoice report dated 1-11-08 and 1-18-08. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit X A)

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

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Fiscal Court Order #3, A Fiscal Court Order of the Boone County Fiscal Court authorizing transfers in the amount of \$502,406 within the adopted Fiscal Year 2007-2008 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0) (Exhibit X C)

**ITEM XI.**

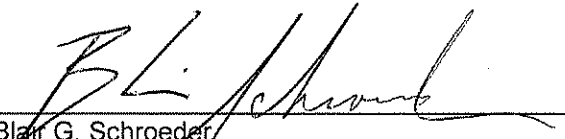
**ADJOURNMENT**

Commissioner Kenner moved, seconded by Commissioner Moore, 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 January 22, 2007.

  
Blair G. Schroeder,  
Fiscal Court Clerk

Date: 2-13-08