

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**Tuesday, February 26, 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  
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  
Sgt. Todd Hollandsworth, County Sheriff  
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Blair G. Schroeder, Fiscal Court Clerk  
Robin D. Curry, Assistant County Administrator  
Tim Williams, Assistant County Administrator  
Jeff Smith, Assistant County Attorney  
Greg Sketch, County Engineer

**ITEM II.**

**APPROVAL OF MINUTES**

Commissioner Moore moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of February 12, 2008. Judge Moore called for a vote on the motion, MOTION PASSES (3-0).

Commissioner Flaig abstained.

**ITEM III.**

**DELEGATIONS**

**Presentation and Discussion on Ryle Road**

Mr. Earlywine then introduced Ted Vogelwohl, the County's Geotechnological Engineer. Mr. Vogelwohl gave a brief presentation along with recommendations for corrective action regarding slide areas along Ryle Road. Mr. Vogelwohl noted that initial estimates on the repairs needed to the most severe slide areas were approximately \$646,000. However, upon reassessing the road and various methods available in addressing the roads needs he presented a new plan for stabilization that would cost roughly \$355,000.

~~Mr. Earlywine noted that the Fiscal Court has secured emergency road repair funding from the state for \$210,000. Mr. Earlywine noted that this aid will certainly help cover a large portion of the cost, but he believed that due to the county's budget the remaining funds would not be available until the next fiscal year in July.~~

Upon hearing Mr. Vogelwohl's presentation Judge Moore then opened the floor to the Court for questions.

Commissioner Flaig asked how long the repairs should be good for.

Mr. Vogelwohl stated that one can't state definitively on how long the repairs should hold because of the multiple variables that are not necessarily within control, however, in some respects an optimistic prognosis would be that the repairs would last for an indefinite amount of time. However, Mr. Vogelwohl was careful to point out that there is no way to truly predict.

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Commissioner Moore wanted to know what the timeline would be for a project of this magnitude.

Mr. Vogelpohl stated that barring any unforeseen issue and depending on weather conditions the project should take roughly one to two months. He also stated that during the construction he would recommend that there be no through traffic during working hours except for emergency vehicles.

Seeing that there were several in the audience who lived along Ryle Road Judge Moore then opened the floor to the delegation in attendance.

Gene Kirchner, a Ryle Road resident, remarked to the Court that there is a particular section of road close to Riverbluff that he believes is the most serious threat to safety. Mr. Kirchner proposed that the County do everything it can to repair this section of road as soon as possible. Noting that waiting for the next fiscal year when there are more funds available for this project might not be soon enough.

At this time Mr. Vogelpohl noted that the stretch of road that Mr. Kirchner was referencing would cost approximately \$100,000 to repair.

At this time it was then suggested that the Court approve repairs be made to this particular section as soon as weather would permit and then proceed with the remaining repairs at the start of the new fiscal year.

At this time Aaron Blankenship, resident living at 121 Ryle Road, stated before the Court that he has concerns over his child's bus driving down the road. He stated that on several occasions the bus "bottomed out". He noted that he believes erosion to be at the root of the problem and wanted to know if the Army Corp of Engineers has been briefed of this problem. He further went on to ask if drill shaft walls could be erected in the river in an effort to provide long term repair to the problem.

County engineer Greg Sketch, responded to Mr. Blankenship's questions noting that the Army Corp has been notified by the County. Mr. Sketch went on to further state that the County does not bear the responsibility nor the legal jurisdiction to construct drill shaft walls into the river.

Mr. Blankenship then suggested that the road be closed.

Mr. James Duvallin, a Ryle Road resident, addressed the Court voicing concern over the weight of vehicles traveling the road, and wanted to know what the weight limit for the road was.

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Mr. Vogelpohl noted that the weight limit on the vehicles, while it was large, did not impose an added danger. ~~The real problem was moisture and shifting ground.~~

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Nick Erse, a Ryle Road resident, approached the Court and passed out photo's that he had taken of the road and wanted to know if the Culverts could go further down toward the river, and also wanted to know if there could be more warning signs so vehicles that are unfamiliar with the area could be alerted to the potential hazard.

Mr. Dan Dundis, a resident who lives at 14421 Ryle Road, noted that the original estimate for repairs to the road were \$13 million dollars. He wanted to be reassured that this was not another quick fix, just putting a band-aid on a bigger issue.

Mr. Sketch assured Mr. Dundis that this was not a band aid. Citing that the initial estimate covered a great deal more work than what this estimate does.

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Judge Moore assured those present that he and the rest of the Fiscal Court would continue to work vigorously to secure more funding for this project.

County Administrator Jeff Earlywine then in an effort to gain consensus from the Court noted that based upon the Courts direction he would proceed with the repairs for this project this fiscal year. Noting that the \$210,000 in emergency road aid would be used to start the initial repairs along the Riverbluff section of Ryle Road and then the remaining dollars would be allocated to the rest of the project. Mr. Earlywine then noted that the rest of the required funds for this project would be available in next years fiscal budget.

The Court agreed to the recommendations and directed the staff to proceed accordingly.

**ITEM IV.**

**PERSONNEL MATTERS**

There was no new business before the Court

**ITEM V.**

**ORDINANCES**

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

Prior to opening the floor for discussion Judge Moore stressed to the Court that if there were any new developments within the zoned 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.

The Judge further stated that this ordinance, which was approved unanimously by the Planning and Zoning Committee, has already been approved in Walton and Florence and is scheduled for a vote in Union later in the month.

At this time the Judge asked if there was anyone present who wished to speak in opposition to this ordinance, seeing that there was none, the Judge then turned the floor to the commissioner's.

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~~Commissioner Moore moved, seconded by Commissioner Flaig, to approve Ordinance 08-03, 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. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI A).~~

**ITEM VI.**

**JUDGE'S REPORT**

Judge Moore noted the passing of Dale Stephens, and made several remarks honoring his service and example to the people of Boone County. The Judge then explained that due to his passing that the Fiscal Court needed to fill the vacancy with the Boone-Florence Water Commission.

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Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 08-20, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF COUNTY JUDGE-EXECUTIVE GARY W. MOORE APPOINTING MIKE APGAR TO THE BOONE-FLORENCE WATER COMMISSION. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI A).

Commissioner Moore moved, seconded by Commissioner Flaig, to approve Resolution 08-21, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING MIKE GIORDANO TO THE BOONE COUNTY WATER DISTRICT COMMISSION. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI B).

Judge Moore noted that the appointment of John Cain was to fulfill and unexpired term that was held by Karen Bomba, who had recently stepped down because of a recent move out of state.

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 08-22, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE EXECUTIVE, APPOINTING JOHN CAIN TO THE TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION. 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 8-23, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING CHRISTY MOLLOZZI TO THE BOONE COUNTY LOCAL HEALTH BOARD. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI D).

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

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Commissioner Kenner moved, seconded by Commissioner Flaig, to approve Resolution 08-24, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF A VIEWING COMMITTEE REGARDING THE REQUEST FOR A RIGHT-OF-WAY VACATION OF LANGLEY DRIVE. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII A).

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 08-25, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING THE BOONE COUNTY JUDGE/EXECUTIVE TO ENTER INTO AN AGREEMENT WITH GREATER CINCINNATI CRIME STOPPERS FOR THE PURPOSE OF PROVIDING FUNDING FOR THAT ORGANIZATION THROUGH A ONE DOLLAR (\$1.00) FEE ADDED TO COURT COSTS COLLECTED IN BOONE COUNTY. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII B).

**ITEM VIII.**

**OLD BUSINESS**

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County Administrator Jeff Earlywine followed up with the Court concerning the Weldon Mill Road delegation's request at the February 12<sup>th</sup> meeting to provide county resources to help fix and maintain the private drive.

Mr. Earlywine noted that the county had sought and received a legal opinion from the County Attorney's office regarding this request, and has concluded that the county lacks sufficient authority to expend public funds and resources to improve a private drive.

Mr. Earlywine noted that the residents have been issued a letter from the County stating the administration's position (exhibit VIII A).

**ITEM IX.**

**NEW BUSINESS**

There was no new business before the Court

**ITEM X.**

**FISCAL MATTERS**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve an invoice reports dated 2-26-08 & a prepaid invoice report dated 2-15-08 and 2-22-08. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).  
(Exhibit X A)

Commissioner Moore moved, seconded by Commissioner Flaig, to approve the monthly financial report for the month of January 2008. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).  
(Exhibit XB)

**ITEM XI.**

**ADJOURNMENT**

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

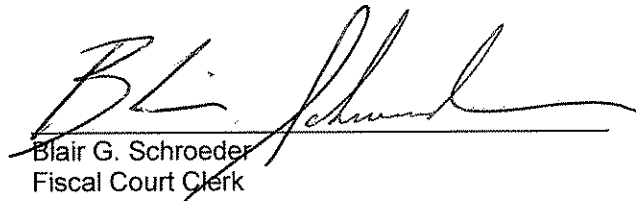
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CLERK CERTIFICATION

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 February 26, 2007.

  
Blair G. Schroeder  
Fiscal Court Clerk

Date: 3-12-08