

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**Tuesday, July 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  
Cathy Flaig, Commissioner, District 1  
Charles E. Kenner, Commissioner, District 2  
Robert Neace, County Attorney

Staff: Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Jeff Smith, Assistant County Attorney  
Col. Les Hill, County Sheriff  
Robin D. Curry, Assistant County Administrator  
Blair G. Schroeder, Fiscal Court Clerk  
Greg Sketch, County Engineer

**ITEM II.**

**APPROVAL OF MINUTES**

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

Due to her absence from the July 8<sup>th</sup> meeting Commissioner Moore abstained from voting.

**ITEM III.**

**DELEGATIONS**

**Buddy Waite addresses Court regarding Smoking Proposal**

At this time Judge Moore noted that the Court had several guests in the audience who wished to speak regarding a proposed Park System Initiative, but prior to that discussion he wanted to know if there were others in attendance who wished to speak about any other issue regarding the County.

Buddy Waite, a Darlington Farms resident, stepped forward to address the Court regarding a proposed smoking ban in Northern Kentucky. Mr. Waite wanted to know who would be responsible for enforcing such a ban and who is paying for the advertisements in support of the ban.

Judge Moore reminded Mr. Waite that this ordinance is in the "rough draft" stages and is not scheduled to be before the Court in the immediate future. Judge Moore further emphasized that if the Smoke Free Workplace Initiative was to come before the Fiscal Court that it would meet all public hearing requirements and would be fully vetted considering the public's input. As for Mr. Waite's questions, Judge Moore noted that some of the specifics dealing with the implementation and enforcement of the ordinance have yet to be specified with absolute certainty, but would be discussed at the appropriate time if and when this matter is brought before the Court. As for the advertisements, Judge Moore remarked that County tax dollars are not being used for advocacy, but rather any advertisements were most likely the product of several organizations that make-up the *Smoke Free Coalition*.

**Bernie Kunkle addresses Court regarding Smoking proposal and parks issue**

Bernie Kunkle, of Walton, addressed the Court regarding two matters. First, Mr. Kunkle spoke of his concern regarding any smoking ban proposal. He cited that this is an issue that deals with property rights and has no business being deliberated by government entities, but should be determined by an establishment's owner. He also stated that enforcing a policy like this did not prove to be a prudent use of the County's time and resources.

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At this time, Mr. Kunkle shared his concern regarding any new tax directed toward the County's park system. He stated that while he frequents the County parks, he believes they are under utilized by a majority of residents. Mr. Kunkle further stated that he believes the County already has too much park space and that in order to insure prosperity residents needed less taxation and not more.

Prior to closing his remarks Mr. Kunkle passed out a news article identifying creative ways local governments have improved park systems.

Prior to discussing the proposed parks issue Judge Moore asked those in attendance if anyone wished to speak out regarding any other matter.

Mike Moreland, resident, stepped forward at this time to state that he agreed with the other gentlemen regarding the smoking ban and proposed parks tax.

Judge Moore thanked the gentlemen who addressed the Court for their time and identified Mike Hammons with Vision 2015 to make several remarks regarding a parks proposal.

**Discussion relating to Parks System Proposal**

Mike Hammons with Vision 2015 identified his organizations goals for prosperity in Northern Kentucky and how integral a strong parks and recreation program is in achieving regional success in economic development as well as in residential satisfaction. Mr. Hammons noted that Boone County has already been a regional leader in quality parks and services, and that is why he believes the County is well positioned to further our success in this capacity.

Mr. Hammons asked the Court to let voters decide via a ballot initiative of 3 cents per \$100. He noted that an initiative such as this would allow residents to have greater opportunities closer to home, and would enable the County to expand its projects related to parks and recreation, preserve green space, and maintain existing parks.

Judge Moore noted that this is an issue that has generated a great deal of interest and support from residents who would like to see our parks department expand its services and capabilities. Judge Moore noted that the county doesn't have the money this year for capital improvements to the parks system, and it likely won't in the near future. Moore went on to say that officials will hear from both supporters and detractors of the initiative before deciding whether to place the resolution on the agenda and put it to a vote. Judge Moore stressed that any action by the Court would only place such an initiative on the ballot allowing voters to decide if this is something that they want.

Judge Moore then opened the floor for additional comments from others in attendance who wished to speak on this matter.

Ben Goldade, local resident, echoed the comments made by Mr. Wade and Mr. Kunkle regarding a smoking ban in Boone County and further stated that he was not in favor of a parks tax, but if the County did proceed with it, the tax money should be generated from local businesses as oppose to residents.

Tom Compte, a local resident and member of the Boone County Conservation District, came forward in favor of a parks levy. Mr. Compte cited the foresight that local government leaders had in New York City years ago when they dedicated green space for Central Park. He further stated that in light of Boone County's high growth rate, now is the time to demonstrate the foresight in planning for tomorrow's future.

Adell Nichols, with the Boone County Soccer Association, wanted to voice her support for a parks initiative. She believed that additional funds would allow the County to grow and maintain its parks system, while at the same time connecting the community and keeping its residents active and healthy.

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Robert Bertress, representative from the Boone County Soccer Academy, noted he was in favor of putting this issue on the ballot and giving the voters an opportunity to decide. He noted that he has learned through his dealings with soccer tournaments the direct economic benefit of a strong parks program citing that soccer tournaments for example generate a great deal of income to local businesses. He believes that our current parks system is great, but he is concerned about declining County funds and believes a dedicated fund would help not only maintain but improve the current parks system while infusing additional income to our area.

Dave Zimmer addressed the Court stating that he believes this is an issue of quality of life. He thanked the Court for the system that is currently in place, and wants to make sure that our parks department has the resources necessary to at the very least maintain the systems in place. Mr. Zimmer noted that it appears that the County's budget is not going to be able to allocate additional dollars to the parks department in the foreseeable future. He further noted that without a parks initiative in place the park system that the County currently has will not be able to maintain its level of service and quality and will deteriorate overtime.

Fred Miller, of Union, echoed many of the previous comments in support of a parks initiative and encouraged the Court to allow the citizens to vote on the matter in November.

Eugenia Ciscero, a county resident, spoke out stating her opposition to a parks initiative. She wanted to know how much money would be generated by a tax initiative, and how would the dollars be allocated. She also wanted to know if the County planned on using eminent domain to create their trail system.

At this time Jude Moore noted that there will be a proper time to discuss additional specifics regarding this matter if it is something that the Court wished to act on. However, at this time there were several more organizational questions that needed to be addressed before he would be comfortable placing this issue on November's ballot. However, he did note that there was a possibility that the Court would be ready to officially consider this proposal at its next meeting.

Commissioner Flaig asked if this was something that the other counties were considering and what would the timeline be to act on this proposal?

Mike Hammons remarked that both Campbell and Kenton County had had discussions regarding this matter and that he hoped in the future they would sponsor an initiative.

Judge Moore noted that a levy of 3 cents per \$100 would be roughly \$54.00 annually to the average homeowner in the County on a \$184,000 home. Some estimate that an initiative like this would generate somewhere between 3 and 4 million dollars.

Judge Moore also identified the time constraints in which the Court was operating under to get a measure such as this on the ballot. The deadline to submit ballot initiatives to the County Clerk's office is 4 p.m. Tuesday, August 12<sup>th</sup>. Moore noted that if the Court was going to take action on this proposal they would have to adjust its next scheduled meeting on August 12<sup>th</sup> and move the meeting date forward to the 11<sup>th</sup> of August in order to meet state the requirements. Judge Moore told those present, as well as those watching on television, that if the Court decided to move the meeting to the 11<sup>th</sup> of August they would notify the media with ample time so as to allow proper public discussion on the matter.

**ITEM IV.**

**PERSONNEL MATTERS**

There were no Personnel Matters discussed at tonight's meeting.

**ITEM V.**

**ORDINANCES**

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**Special Sign District Request by Richardson and Sousa**

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 08-113, a Resolution of the Boone County Fiscal Court Accepting the Boone County Planning Commission's recommendation of denial for the request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a zoning map amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit V A).

**Second Reading regarding ACE Hardware**

Assistant County Administrator Tim Williams gave a brief presentation in which he identified seven conditions of approval that the County was recommending for approval of this project.

Mike Hargis, Vice President of Hemmer Dev. III (applicant), made remarks indentifying his proposal and recommendations in light of the Courts conditions. Mr. Hargis was concerned about increased cost that complying with the Court's conditions would entail. He noted that many of the Court's recommendations would be no problem. However, he did ask the Court to reconsider their recommendation requesting a pitched roof in lieu of a flat roof. But rather he proposed a mansard style roof that would give the building a perception of a pitched roof, but in all actuality still be a flat roof.

Judge Moore opened the floor for discussion.

Commissioner Moore asked for some clarifications regarding the differences between the mansard roof and the proposed pitched roof.

Commissioner Flaig raised questions regarding building cost and anticipated timeline of construction.

Upon hearing the feedback from Mr. Hargis, Judge Moore recommended that the Court accept the ordinance, with an added condition of approval allowing for a mansard roof.

At this time Commissioner Moore moved, seconded by Commissioner Flaig, to add an amendment to to allow for the mansard roof to be added to the County's Conditions of Approval. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE, motion passes 4-0.

Judge Moore asked for the pleasure of the Court regarding the Zone Map Amendment.

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Ordinance 08-13, an Ordinance of the Boone County Fiscal Court approving, with conditions, for a request of Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner) for a Zoning Map Amendment, such zoning map amendment being a zone change from industrial one (I-1) to commercial two (C-2) for a 7.979 acre site generally located on the West Side of KY 237 (North Bend Road), the East side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. (IV B)

**ITEM VI.**

**JUDGE'S REPORT**

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 08-114, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge Executive, re-appointing Allen Bernstein as a Representative of the Northern Kentucky Restaurant Association to the Northern Kentucky Convention and Visitors Bureau. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII A)

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Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 08-115, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge Executive, re-appointing Robert Elliston to the Sanitation District No.1 Board of Directors. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII A)

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 08-116, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge Executive, to execute an agreement between Brandstetter Carroll Inc. and the Boone County Fiscal Court for professional services for the Hebron Business and Pedestrian Connection. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII A)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 08-117, a Resolution of the Boone County Fiscal Court accepting a supplemental agreement amending the contract between the County and the Kentucky Transportation Cabinet, Department Of Governmental Relations, for bituminous resurfacing on rural and secondary roads. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0). (Exhibit VII B)

**ITEM VIII.**

**OLD BUSINESS**

There was no Old Business before the Court at tonight's meeting.

**ITEM IX.**

**NEW BUSINESS**

There was no New Business before the Court at tonight's meeting

**ITEM X.**

**FISCAL MATTERS**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve an invoice report dated 7-11-08 and 7-18-08. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X A)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 08-118, a Resolution of the Boone County Fiscal Court acknowledging the receipt of the Sheriff's Tax Settlement for the Calendar Year 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X B)

**ITEM XI.**

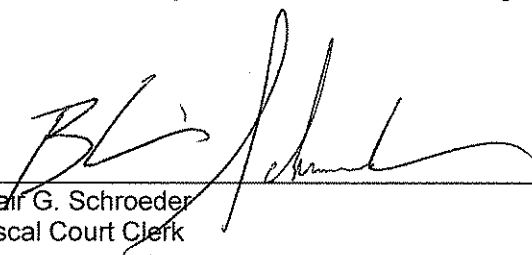
**ADJOURNMENT**

Commissioner Moore moved, seconded by Commissioner Kenner, 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 July 22, 2008.

  
Blair G. Schroeder  
Fiscal Court Clerk

Date: 8-12-08