

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Monday, August 11, 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
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

ITEM II.

APPROVAL OF MINUTES

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Minutes from the meeting of July 22, 2008. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

DELEGATIONS

Youth National Champions from Boone County Recognized

Judge Moore took this time to recognize local youth national champions Kristina Felix and Carley Helton who had competed and won at the Hershey's Track & Field Games.

Delegation from Vision 2015 regarding the Boone County Parks System

AJ Schaeffer, Boone County resident and Chairman of Vision 2015, made several remarks regarding the need for park maintenance and expansion in Boone County. Mr. Schaeffer noted that a strong park system is not only a benefit to the residents that live in the area, but can also serve as an economic catalyst for business and commerce. Mr. Schaeffer concluded by stating that in light of recent County budget constraints, he feared that the finances needed to ensure the maintenance and growth of a robust park system might not be in place. Mr. Schaeffer proposed that an initiative be placed on the ballot for residents to decide if they were willing to pay more for parks. His proposal recommended a tax of 2.2 cent per 100 dollars of assessed valuation of all taxable property within Boone County for the purpose of purchasing and maintaining public parks.

At this time Judge Moore acknowledged Mr. Schaeffer's proposal and notified those present that prior to the Court voting on this recommendation, the Court would entertain discussion from the public. Judge Moore noted that he would allow for twenty minutes of debate for those in favor and for those against placing such an initiative on the ballot.

After issuing these stipulations, Judge Moore then opened the floor to those who were in opposition of the measure.

Those in Opposition to ballot measure address the Court

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Buddy Waite, a Darlington Farms resident, stepped forward to question the legality of a resolution being able to place an item on the ballot. He suggested that this matter should be handled as an ordinance so that the public might be alerted and able to offer input. Mr. Wade also questioned the timing of Vision 2015's proposal; stating that it appears to be a rushed effort to have this placed on the ballot.

County Attorney Robert Neace noted that according to KRS statutes action by the Fiscal Court via resolutions was an acceptable method in initiating a ballot initiative.

Judge Moore noted that all public meeting standards had been met in advertising and announcing the time and place of the meeting citing that the public clearly has a forum to be heard regarding the parks issue (acknowledging the capacity crowd in the Court room as well as the overflow crowd in the lobby).

Mr. Wade also took time to thank the Sheriff's department for saving money. Mr. Wade further attempted to discuss the subject of take home vehicles, requesting that the County consider eliminating take home privileges.

It was at this time that Judge Moore reminded Mr. Waite of the importance of staying on the subject of Parks noting the time constraints stipulated by the Court. Judge Moore then noted to Fiscal Court Clerk Blair Schroeder to adjust the time so that Mr. Waite's off topic comments did not take time away from the opposition.

Rick Bruggeman, County resident, spoke out in opposition of the parks issue going on the ballot. He expressed concerns over creating a new taxing district. Mr. Bruggeman noted that he believes this is akin to taxation without representation. He also suggested that if businesses are to profit from better park service's then they should be required to pay the fees. Mr. Bruggeman also suggested a user fee for the parks be way of instituting a nominal fee that users pay upon entering a facility.

Butch Arlinghaus, County resident, stated that he is against the creation of a park system. Mr. Arlinghaus noted that Fiscal Court had raised its rate by taking the 4% last year and wanted to know if the Court planned on taking the 4% again this year.

Judge Moore clarified that the County had accepted the 4% tax rate, but noted that the approval of the 4% did not raise tax the rate, but rather resulted in maintaining the existing rate.

Mr. Arlinghaus also had concerns about creating another district that has the ability to increase taxes on the residents.

Judge Moore noted to Mr. Arlinghaus that if the Parks Initiative passed it would not result in creating a new taxing district. If passed the newly created Park system would generate dollars that would be set aside in a separate account and funds from that account would be allocated by the Fiscal Court. Moore further cautioned that any change to the tax rate would be determined by the Fiscal Court which is an elected body and is directly accountable to the voters.

Judge Moore noted that the time he has used for clarification of several matters would not be added in the tabulation of discussion time. He stated that he wanted to make sure that both sides had the full benefit of their twenty minutes.

Brett Gaspard, Union resident, stated that he believed businesses should fund their own ideas and programs as oppose to passing off their desires to the public to fund. Mr. Gaspard further stated that

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much of the Conservation District's mission falls privy to the purpose of land preservation and that residents should not pay for this service twice.

Mike Moreland, Boone County Magistrate and resident, called this a blatant tax increase and noted that the United States Government is founded on a Representative Republic and that the Fiscal Court should not abdicate their responsibility by passing this matter to the public by way of vote. He challenged the Court to accept the responsibility of their office and vote on this matter directly. Mr. Moreland further stated that he believed if passed this would potentially violate resident's property rights.

Steve Graham, Union resident, stated that he did not think that creating an expanded park system beyond what the County already has should be paid for by the residents. He noted that many of the newer developments are providing green spaces within their developments for their residents. Mr. Graham suggested the County initiate programs such as "adopt a park" where local business adopt and oversee the maintenance of a park.

Judge Moore noted that while the County can encourage business to be more proactive in park and greenspace development, they cannot by law require it.

Ken Bumgardner, of Boone County, stated to the Court that he was against the tax initiative and that in some cases non-residents and non-property owners use the parks services so he recommends the implementation of a user fee.

Charlie Walton, resident and former state representative, stated that he felt the Court would be better served to better fund schools and police services. He urged the Court not to create a new tax.

Ralph Mitchell, of Union, cited that he was an avid park user, but that priorities for the County should be emergency services and meeting basic county needs such as access to public water for all of its residents. Mr. Mitchell cited that Lexington and Louisville have a wonderful park system and that they have accomplished this without adding additional taxes.

Mr. Mitchell also suggested that he felt as though he had been the subject of intimidation by some of the interest groups who were in favor of this initiative and that he felt that that was wrong.

Judge Moore sought clarification regarding the charge of intimidation noting that conduct like that is unwarranted and certainly not something that the County has taken part in.

At this time Blair Schroeder noted to the Judge that twenty minutes had been allotted to those who were against the ballot measure and that 9 minutes had been added to their time to cover comments that did not pertain to the parks discussion.

Those in favor of ballot measure address the Court

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

Robert Vertrees, representative from the Boone County Soccer Academy, remarked that 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. At this time Mr. Vertrees distributed an economic impact study that indicated that County could generate 3.2 million dollars annually. He believes that our current parks system is great, but he is concerned about

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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. Mr. Vertress challenged the Court to be visionary in setting the tone for the future.

Shawn Cox, Florence resident, reminded those present that the question before the Court was not about reducing funding to the Sheriff's Department and schools for a parks system. He noted that school funds are allocated via local school boards and the State's SEEK formula and not the Fiscal Court. Mr. Cox continued to note the diverse crowds that participate and benefit from an expanded park system. He argued that by allowing a small nominal tax would serve as an investment that could reap tremendous gains not just financially, but also serve in improving the overall quality of life for residents. Mr. Cox closed by noting that no matter where you stand on the issue he hoped that the Court would allow voters to determine if they want this for their community.

Kim Patton, resident and businessman, praised the County for its creativity in addressing the needs of the growing County. Mr. Patton recognized that the County has instituted field usage fees to help aid in the cost of maintain playing fields for youth athletics and praised the County for seeking grant dollars to help preserve natural areas. But he acknowledged that he had concerns about the lack of future funds available to allocate to the parks department. Mr. Patton cited countless studies of how active societies create a healthier environment for both kids and adults. He continued to note studies on how local economies improve due to expanded parks programs. Mr. Patton closed by asking to Court to consider the legacy that they are leaving to the community.

Jim Newman, county resident, asked the Court if there was any information regarding this becoming a tax-neutral initiative.

Judge Moore noted that certain districts within the County are considering lowering their current tax rate. If this did happen then there is a good potential that this measure would be tax neutral meaning that while the new tax would be in place, it would not result in an increase in taxes, but simply be offset by other tax decreases.

Mr. Newman noted that he was in favor of this going on the ballot.

Jeff Keaner, Kentucky Amateur Baseball Association, stated that he believed this proved to be a good opportunity for County to be able to offer more to its residents. Mr. Keaner noted that there is a lack of facilities in the County to meet the growing demand of the residents. This initiative would enable more kids to participate in sports. Mr. Keaner remarked that Louisville's sports facilities are in part paid for not through a separate tax, but via very high user fees that have led to a reduced involvement. He further noted that this is about green space and opportunity. In closing Mr. Keaner cited an example from Kenton County regarding the cost of land to purchase facilities and how over time the cost of land had increased restricting the feasibility to purchase space. He encouraged the Court to act and to act now.

Steve Wagner, of Burlington, noted that he is generally against more taxes, but that he was in favor of putting the issue on the ballot for the people to decide. Mr. Wagner concluded by encouraging the Court to allow the citizens to vote on the matter in November.

Blair Schroeder noted to the Judge that twenty minutes had been allotted to those who were in favor of the ballot measure.

Judge Moore then noted to the public that the County welcomes input from the public and was glad to see a fair and open discussion regarding this issue.

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The Judge went on to state that keeping taxes low in County has been and will continue to be a priority for the Fiscal Court. He stated that the Vision 2015 had previously suggested a 3 cent per \$100 rate, but noted that after running the numbers a lower 2.2 cent rate could still accomplish a great deal. A 2.2 cent rate would result in an additional tax of \$39.60 a year on the average home in the County. Judge Moore wanted to reassure residents that the Fiscal Court would be accountable for oversight of new system if the measure passed in November.

Judge Moore noted that there has been some concern over Vision 2015's mission to serve all eight counties throughout Northern Kentucky, but he wanted to make clear that all dollars would be kept in Boone County. Moore further noted that a daily or annual fee, like the one in Hamilton County, OH (\$2.00 daily or \$5.00 yearly) would simply not generate enough money to solve the parks budgetary problem.

At this time Judge Moore opened the floor to the Commissioner's for comment.

Commissioner's Comment on Parks Issue

Commissioner Kenner responded to Mr. Walton's previous comments about the Court not being proactive in funding education. Kenner cited numerous examples in which the County has worked with and help provide funding and services to schools. Mr. Kenner also reminded those that the majority of school funding comes from the state and that the state has not been equitable in its allocation of dollars through the SEEK formula.

Commissioner Kenner went on to recognize that there is a tremendous upside for the County residents and businesses to embrace an expanded park system and that he is in favor of putting this issue on the ballot for the voters to decide.

Commissioner Moore noted that the Court welcomes ideas on how to improve Boone County from not only residents but also by watching what works in other communities. She further stated that while they strive to keep taxes low in the County increased cost for services are making it difficult to keep up with demand. She concluded by stating that she is in favor of putting this matter on the ballot for the voters to decide whether this is something that they are willing to pay for.

Commissioner Flaig noted that she was concerned over the creation of a new tax and that businesses such as the Sports of All Sorts have had a great deal of success in charging user fees and creating a product that the public enjoys. Commissioner Flaig stated that she did not feel that the time was right to be raising taxes on its residents during these economically trying times and that she would vote no on putting this measure on the ballot.

County Administrator Jeff Earlywine clarified to the public that the reduction in the sheriff's budget has been a result of an accounting change as oppose to a County decrease in funds. Mr. Earlywine did applaud the efforts of the Sheriff's Department for their cost saving measures and noted that public safety is a top priority to the County.

Judge Moore remarked that lower rates and less spending have been the practice here in the County since he has taken office. He reminded those present that the Court could be voting to raise taxes, but rather he believes it is important to let the people decide if this is what they want.

Next Judge Moore asked for the pleasure of the Court.

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 08-119, A Resolution of the Boone County Fiscal Court requesting the County Clerk to submit the question of levying an Ad Valorem Tax, not exceeding two point two cents (\$.022) on each one hundred dollars

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(\$100) assessed valuation of all taxable property within the limits of Boone County for the purpose of purchasing and maintaining public parks within Boone County to the voters during the 2008 General Election. Judge Moore called for a vote on the motion, MOTION PASSES (3-1). Commissioner Flaig voted no.

ITEM IV.

PERSONNEL MATTERS

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

ITEM V.

ORDINANCES

First Reading regarding the Maddox Zoning Map Amendment

Mitch Light, from the Planning Commission, gave a brief presentation regarding the Planning Commission's unanimous recommendation of approval regarding Robert Maddox's request for a zoning map amendment.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF ROBERT MADDOX (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL TWO (I-2) TO INDUSTRIAL ONE (I-1) FOR A 6.168 ACRE SITE GENERALLY LOCATED AT 8430 DIXIE HIGHWAY AND ON THE SOUTH SIDE OF BROOKFIELD COURT IMMEDIATELY EAST OF THE PROPERTY AT 9175 BROOKFIELD COURT, BOONE COUNTY, KENTUCKY.

A second reading was tentatively scheduled for the September 9th Fiscal Court Meeting.

ITEM VI.

JUDGE'S REPORT

The Judge had no new items to report at tonight's meeting.

ITEM VII.

ADMINISTRATIVE MATTERS

Bid Awards

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 08-120, a Resolution of the Boone County Fiscal Court awarding the annual salt supply bid to Cargill Inc – Deicing Technology.

Assistant County Administrator Robin Curry notified the Court that this bid was in conjunction with the KACO bids. Mr. Curry noted that in the past the County had generally partnered with the city of Florence regarding the awarding of the annual salt bid. However, this year the bid Florence's received was notably higher than the KACO bid.

County Engineer Greg Sketch noted that the bid KACO received was lower than both the bids from the State of Kentucky and the City of Cincinnati.

Commissioner Flaig asked if this bid accounted for delivery of the salt.

Mr. Curry stated that he is confident that this was included in the bid price, but that he would follow up on this matter and report back to the Court if this was not a part of the bid price.

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

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 08-121, a Resolution of the Boone County Fiscal Court awarding the bid for two dump truck beds to Kaffenbarger Truck Equipment and J. Edinger and Son. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII C)

Mr. Earlywine did note to the Court that this expenditure was a part of the proposed budget that was previously adopted.

County Resolution to join KCJEA action against the State

Judge Moore noted that the following resolution would allow Boone County to be added as a party plaintiff in the suit between the KCJEA and the State of Kentucky. Moore noted that the suit focuses on credit for time served from the state. KCJEA is seeking to have the state pay for time inmates serve in county jails before conviction. Felons become the state's responsibility only after conviction, but they are often granted credit against their total sentences for the time they spent awaiting trial and the state pays counties nothing for that time.

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 08-122, a Resolution of the Boone County Fiscal Court authorizing the Kentucky County Judge/Executive Association's legal counsel to include the Boone County Fiscal Court as a Party Plaintiff in the lawsuit against the Commonwealth of Kentucky and other entities. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII C)

ITEM VIII.

OLD BUSINESS

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

ITEM IX.

NEW BUSINESS

Becky Reiter, Director of the Animal Control, made a staff presentation regarding the County's vicious animal policy. Ms. Reiter noted that many local officials throughout the nation rush to enact flawed policy or ordinances that are hard to enforce as a reaction to an unfortunate event. Ms. Reiter recommended to the Court that the County review its current policy, allow for proper documentation and investigation of all dog bite and dog attack cases, adequately compile data, and focus on public education programs.

After Reiter's presentation, Administrator Earlywine noted to the Court that this recommendation for approval was not presented in resolution form, but without the Court's objection would be embraced so that this issue could be further studied.

Judge Moore asked for any objections from the Court, seeing that there were none, the Court moved on to the next item of business.

ITEM X.

FISCAL MATTERS

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve an invoice reports dated 7-25-08, 8-1-08 and 8-8-08. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X A)

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

County Treasurer Lisa Buerkley made several brief remarks regarding the County's 2008 Annual Financial Statement.

Commissioner Moore moved, seconded by Commissioner Flaig, to approve the 2008 Annual Financial Statement. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit XC)

ITEM XI.

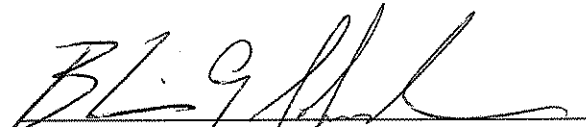
ADJOURNMENT

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 August 11, 2008.


Blair G. Schroeder
Fiscal Court Clerk

Date: 8-27-08