

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**September 9, 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. Mike Hall, County Sheriff  
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Blair G. Schroeder, Fiscal Court Clerk  
Tim Williams, Assistant County Administrator  
Robin D. Curry, Assistant County Administrator  
Jeff Smith, Assistant County Attorney

**ITEM II.**

**APPROVAL OF MINUTES**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of August 26, 2008. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

**ITEM III.**

**DELEGATIONS**

**Smoke-Free Northern Kentucky Delegation**

Judge Moore acknowledged the large delegation in the crowd who gathered at tonight's meeting in a show of support for a potential ordinance before the Court that would place restrictions on smoking in public places. Judge Moore stated that he did not want to discourage anyone from making comments regarding this matter, but he did note to them that this issue was not before the Court at tonight's meeting. Judge Moore further stated that if this proposal does come before the Court it will be publically advertised and that a proper public hearing would take place.

The Judge then asked the delegation if they wished to have a representative speak briefly at this time or if they would like to reserve their comments once this issue is before the Court. Seeing that the group wished to hold their comments for a future meeting the Judge thanked them for their presence and told them that their attendance was duly noted.

**Proclamation Recognized Kid's Day in Boone County**

Judge Moore took this time to recognize Kid's Day in Boone County. Dr. Payne, a Northern Kentucky businessman and community organizer, spoke on behalf of the program and thanked the Court for its support.

**ITEM V.**

**PERSONNEL MATTERS**

There were no personnel matters before the Court at tonight's meeting

**ITEM V.**

**ORDINANCES**

**Second Reading regarding the Setting of the Ad Valorem Tax Rate**

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Judge Moore opened the second reading with several comments to the Court and to the public. Judge Moore noted that under his administration the County has always sought to keep the tax rate as low as possible while still maintaining necessary services to Boone County residents. Judge Moore noted that seven times during the last ten years the county actually set its rate below the compensating tax rate. Moore also remarked that the county has levied the full 4% growth rate only once during the past decade.

Judge Moore noted that the staff had recommended taking the four percent, but he wanted to recommend only three percent increase. Judge Moore noted that a 10.5 rate would get the Fiscal Court within \$18,000 of the projected revenue income and that amount can be found through continued cuts and savings. Judge Moore also noted that if the County left the rates the same as they were last year the County would be facing a \$700,000 dollar shortfall in this year's budget.

At this time Judge Moore opened the floor to those present for any questions or suggestions.

Joe Scies, a Boone County resident, addressed the Court suggesting that the Court tighten its belt to meet the County's financial needs, just as the residents do.

Steve Fritz, Burlington resident, cited the County's tremendous growth and questioned the process on how property is valued. Judge Moore noted to Mr. Fritz that the Fiscal Court is not responsible for property valuation.

Terry Phillips, Union resident, suggested that the County had established a pattern of unnecessary spending and then cited the Library as a chief example.

Judge Moore clarified to Mr. Phillips that the new Library was not a project that was paid for by the Fiscal Court, but rather a project that was initiated and paid for by the Library's Special District.

Mr. Phillips went on to say that taxes are too high in Boone County, and that regardless of the fact that our rate is the lowest in Northern Kentucky it's still too high. Mr. Phillips went on to suggest that the County can save money by selling their parks to generate more income and save on expenses.

Debbie Lickenbauer, County resident, addressed the Court regarding her difficult financial situation. Ms. Lickenbauer noted that she was an employee of Delta for many years but has since lost her job and has tried to be responsible in meeting her financial demands. However, she does not believe that she will be able to do so if taxes are raised and she is concerned that she might have to move.

Judge Moore sympathized with Ms. Lickenbauer, and noted that it is with no great pleasure that the Court is considering this limited increase in property tax. Judge Moore further noted that limiting the tax burden on residents is a chief concern for him, and that his record exemplifies this by having rejected raising the rate consistently year after year despite and increase in service demands.

Bernie Kunkle, Walton resident, addressed the Court questioning the money that the Conservation district receives referencing his personal experiences when he served on the Board at the Conservation district.

Judge Moore noted to Mr. Kunkle that the Conservation district, like many of the other agencies the County helps fund, has had their budget cut as a part of the County's belt tightening.

Mr. Kunkle then questioned why the County would spend \$45,000 on an information Kiosk in downtown Burlington.

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Judge Moore reminded Mr. Kunkle that to the people in Burlington this informational Kiosk has been important to attracting foot traffic for local businesses and that this project was a part of a grant the Fiscal Court received, and unanimously approved, from the U.S. Department of Interior.

Tim Williams, the assistant County Administrator who oversaw this project, noted that the \$45,000 dollar figure is misleading. The total cost of the project was \$45,000 however half of these funds were provided via the Preserve America Grant. The remaining half did come from the County, but the lion share of the County's burden came from in-kind services so the actual cost of this project was around seven thousand dollars.

Isabel Klopsch, a Boone County Resident, noted to the Court that she is originally from New Jersey and that her son convinced her to move to Boone County because of the County's low tax rate. Isabel, a senior, further noted that she is on a fixed income and is concerned about the increased cost of living and how a higher tax rate would impact her finances.

Kris Scies, Boone County resident, wanted to remind the Court that they were elected to be fiscally responsible and that if they vote for this tax increase she will vote against them.

James Bosman, Boone County resident, noted to the Court that he has reviewed their budget on-line and questioned why the County was increasing their reserve fund from the previous year?

Lisa Buerkley, County Treasurer, noted that this was a necessary increase that was recommended by the auditors. Lisa further explained that the County's reserves from the previous year had gotten dangerously low and needed to increase their reserve funding to maintain the County's current bond rating. She further noted that if the County's bond rating was to be negatively impacted the ramifications of this would affect the County's interest rate would then increase expenses. The County has to maintain a five percent balance in their reserves to hold on to its bond rating.

Mr. Bosman further inquired asking if the Parks initiative passed would this eliminate the County's current contribution to the parks department or would these new funds be in addition to what the County is already contributing.

Judge Moore noted that while the Parks issue will be decided by the voters in November at this time the County is planning on maintaining its commitment to the Parks department.

Kathryn Snatchko, County resident, noted that she has been pleased with the Court's decision over the years to keep the tax burden low on its residents, but that she was concerned over the timing of increasing the tax rate.

Butch Arlinghaus, questioned why the Court had allocated \$185,000 to the Fish and Wildlife.

Jeff Earlywine noted that this was funding for a boat launch off of Conrad. Mr. Earlywine further noted that this project is a part of a federal grant in which the County bares responsibility for 25% of the projects cost. The federal grant will pay for 75% of the project and the County's portion was unanimously approved by the Fiscal Court.

Mr. Arlinghaus suggested that this seemed like an unnecessary expense. Arlinghaus further went on to question the manner in which the County calculated the States Compensating Rate noting that he believes the appropriate term is substitution rate. He went on to state that the difference in terms isn't just in name but the formula has an impact on how the County determines its financial need.

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Jeff Earlywine assured Mr. Arlinghaus that the County is using the appropriate rate when calculating its fiscal needs. Earlywine further stated that all forms that are sent to the County from the State refer to it the compensating rate. Earlywine further explained that Boone County is not unique to other counties in using these forms.

Mr. Arlinghaus maintained his position and attempted to show members of the Court and staff a copy of a form that he had referencing a substitution rate.

Lisa Buerkley that County treasurer further assured Mr. Arlinghaus that the County is using the appropriate rate noting that the form Mr. Arlinghuas presented referenced both rates and formulas.

Judge Moore noted to Mr. Arlinghaus if he would like to set up a meeting so that this can be further explained and the discrepancies can be clarified he would welcome such a meeting.

Brett Gaspard, a Boone County resident, noted that he is concerned about the proposed tax rate increase of 3%. Mr. Gaspard cited the state audits that were available on-line and that he did not see a revenue crisis in Boone County. Mr. Gaspard encouraged the County to practice more fiscal discipline rather than simply passing the burden on to residents. Mr. Gaspard also suggested that the Court cut its funding to TANK as a means to save County dollars.

Judge Moore noted that the County has not met TANK's funding request for this year in an effort to save dollars and as a result TANK limited routes in the County. Judge Moore went on to remind those that the Court was criticized by some residents because of this reduction. Moore further noted that now when gas prices are high TANK provides a valuable service to residents who depend upon this form of transportation in an effort to save money.

At this time Judge Moore opened up the floor to the Commissioners and staff for comment.

Commissioner Flaig remarked to the Court that she spent the last several days meeting with CPA's that suggested by not increasing the rate and keeping it at 9.9 cents the County should realize an increase of \$400,000 to the budget.

Mrs. Buerkley remarked to Commissioner Flaig that any of the increases in revenue have been calculated into the current budget that the Court previously adopted. Buerkley further stated that what often gets overlooked is that the County's expenses, just like business and local family's expenses, are going up.

Commissioner Flaig then suggested that the Parks Department should absorb the imbalance and have their funding cut.

Commissioner Kenner identified the County's numerous efforts to save tax payer dollars and noted that the growth that Boone County has experienced, while it is a blessing, also results in increased cost and services. Kenner noted that it is easy to suggest making cuts to the Parks department, but what specifically do you leave out.

Commissioner Flaig stated that the Parks 2.1 million dollar budget is where the cuts should come from. She said she knows that does not sound fun, but that is the most feasible place to cut. Flaig went on to recommend that the Parks and Recreation Department have a \$700,000 (roughly one-third) of its budget cut.

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Commissioner Kenner noted that he believed the residents that put him on the Court to represent them would not agree with that assessment and that he believes supporting the Parks department was a necessity to the prosperity in Boone County and that would not be in favor of such a recommendation.

Commissioner Moore stated that this recommendation should have been made earlier so that it could be properly evaluated. She suggested that recommending such a sizable cut from a department on a night when the rate is to be set was irresponsible. Commissioner Moore further stated that she did not think it would be right to force one department to bear the brunt of the budget shortfall. Commissioner Moore asked the staff what places/services would be impacted with a \$700,000 cut.

Mr. Earlywine noted that the County has already trimmed the majority of any discretionary spending from its budget in an effort to save tax dollars. He further noted that rather than raise rates in past years that County has spend down a sizable portion of its reserves.

At this time Judge Moore noted that the 10.5 cents rate will cost the owner of a typical single-family home an extra 90 cents per month and that the County's real property tax rate last year was the second lowest out of the 40 city and county governments tax rates in Northern Kentucky.

Judge Moore further noted that Commissioner Flaig's recommendation did not appear to have adequate support so at this time he was willing to move to set the new real property rate is 10.5 cents per \$100 of assessed value and that the personal property rate that businesses pay be set at 15.8 cents per \$100 of assessed value.

Based upon Judge Moore's motion, Commissioner Kenner seconded to approve Ordinance 08-14, an Ordinance of the Boone County Fiscal Court establishing the 2008 Ad Valorem Tax Rates for Boone County, Kentucky. Judge Moore called for a vote on the motion, ALL PRESENT VOTING, motion passes (3-1).

Commissioner Flaig voted nay.

**Second Reading regarding the Maddox Zoning Map Amendment**

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

**ITEM VII.**

**JUDGE'S REPORT**

Commissioner Kenner moved, seconded by Commissioner Flaig to approve a Resolution of the Boone County Fiscal Court amending Resolution 08-125 appointing Brian Laws to the finish the Point Pleasant Fire Protection District Board is hereby amended to reflect that said term of office is said to expire on June 30, 2009. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI A)

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

**Agreement with Stantec Consultants for Updated Road Analysis**

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Commissioner Moore moved, seconded by Commissioner Kenner to approve a Resolution of the Boone County Fiscal Court hereby authorizing Gary W. Moore, County Judge/Executive to sign and execute an agreement between Stantec Consultants and the Boone County Fiscal Court for professional services relating to updating the road analysis for the County's pavement management system.

At this time Commissioner Flaig asked if this service is required to be bid out. Administrator Earlywine stated that it is not required to be bid out, but that the County sought a competitive process originally. Earlywine noted that this bid was not only fiscally responsible, but since the County has used this company in the past there would be little to no additional cost on new software because our systems were all ready technically compatible.

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

**Agreement with Strand Associates for Professional Services regarding Turning Lanes**

Commissioner Kenner moved, seconded by Commissioner Flaig to approve a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive to execute an agreement between Strand Associates and the Boone County Fiscal Court for professional services regarding the turning lanes on Conrad Lane and North Bend Road. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VII B)

**Accepting Receipt of the State Audit of the Boone County Fiscal Court for 2006.**

Commissioner Flaig moved, seconded by Commissioner Moore to approve a Resolution of the Boone County Fiscal Court Acknowledging receipt of the Fiscal Year 2006 State Audit of the Boone County Fiscal Court. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (VII C)

Bob Ciscero, Boone County resident, asked the Court if this report would be posted to the County's website so that it can be reviewed.

County Treasurer Lisa Buerkley stated that this would be added to the web-site once an electronic copy was received from the state, and she further stated that she believed it would be up in no longer then one week.

**Receipt of Public Health Tax Rate**

Commissioner Kenner moved, seconded by Commissioner Moore to approve a Resolution of the Boone County Fiscal Court Acknowledging receipt of the Public Health Tax Rate set by the Boone County Public Health Taxing District created by KRS 212.750 and verifying its placement on the County Tax Bill. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (VII D)

**ITEM VIII.**

**OLD BUSINESS**

There was no old business before the Court at tonight's meeting

**ITEM IX.**

**NEW BUSINESS**

County Administrator Jeff Earlywine gave a presentation regarding the County's recommendation regarding the CATV Franchise policy. The staff recommendation asked the Court to consider withdrawal from TBNK and negotiate an independent franchising agreement.

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Earlywine noted that this will be further discussion regarding this recommendation but wanted to introduce it to the Court tonight so that they would have ample to review its contents. Mr. Earlywine further encouraged the Court to contact both himself and representatives from TBNK with any questions regarding this issue.

**ITEM X.**

**FISCAL MATTERS**

Commissioner Moore moved, seconded by Commissioner Kenner, to approve an invoice report dated 9-9-08, and pre-paid invoice report dated 8-29-08. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit X A)

**ITEM XI.**

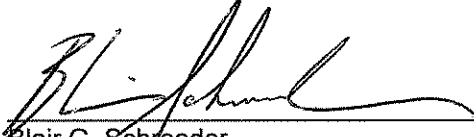
**ADJOURNMENT**

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 September 9, 2008.

  
Blair G. Schroeder  
Fiscal Court Clerk

Date: 9-24-08