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MINUTES  
BOONE COUNTY FISCAL COURT  
Boone County Administration Building  
Fiscal Courtroom (1<sup>st</sup> Floor)  
Burlington, Kentucky  
March 17, 2009  
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: Robin Curry, Assistant County Administrator  
Col. Les Hill, County Sheriff Dept.  
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Greg Sketch, County Engineer  
Jeff Smith, Assistant County Attorney  
Blair Schroeder, Fiscal Court Clerk

ITEM II. APPROVAL OF MINUTES

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of March 3, 2009. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III. DELEGATIONS

**Proclamations**

Judge Moore issued a proclamation recognizing March as "Severe Storms Preparedness Month"

**Resident Inquiry**

James Bozman addressed the Court and wanted to make sure that the Court was going to be considering a competitive bid process regarding the County's proposed ordinance regarding a cable franchising agreement.

County Administrator Jeff Earlywine noted to Mr. Bozman that the County would adhere to all state statutes and regulations regarding the bidding process and any action taken would take would be brought back before the Court.

ITEM IV. PERSONNEL MATTERS

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

ITEM V. ORDINANCES

**First Reading, Ordinance Regarding Anchor Properties.**

Presentation by Kevin Wall and First Reading, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING , WITH CONDITIONS, FOR A REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR EMANON ACRES, LIMITED PARTNERSHIP, DENNIS G. DAVIS, DON DAVIS, AND RICHARD DAVIS (OWNERS) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL SERVICES (C-3) TO

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EMPLOYMENT PLANNED DEVELOPMENT (EPD) FOR A 2.61 ACRE AREA LOCATED AT 343, 351, 357, 377 RICHWOOD ROAD, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR ANCHOR PROPERTIES (OWNER BY CONTRACT) FOR A CONCEPT DEVELOPMENT PLAN IN AN EMPLOYMENT PLANNED DEVELOPMENT (EPD) ZONE FOR A 3.045 ACRE AREA LOCATED AT 351, 357, 377, AND 391 RICHWOOD ROAD, BOONE COUNTY, KENTUCKY. (Exhibit V A)

Second Reading was scheduled for April 21<sup>st</sup>.

**First Reading, Ordinance Regarding for Sherwood Lakes, LLC.**

Presentation by Todd Morgan and First Reading, AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF BAYER BECKER (APPLICANT) FOR SHERWOOD LAKES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN URBAN RESIDENTIAL ONE (UR-1) ZONE FOR AN APPROXIMATE 3.3 ACRE AREA WHICH IS CURRENTLY PART OF A 13.67 ACRE TRACT AND GENERALLY LOCATED AT THE CURRENT TERMINUS OF SHERWOOD LAKES DRIVE AND TO THE SOUTH OF THE CONDOMINIUMS AND GARAGE STRUCTURES LOCATED AT 624, 636, 648 AND 660 FRIARS LANE, BOONE COUNTY, KENTUCKY.

Second Reading was scheduled for April 21<sup>st</sup>.

**ITEM VI.**

**JUDGE'S REPORT**

There were no items in the Judge's report this evening.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

County Administrator Jeff Earlywine gave a brief presentation summarizing the staff report which recommended leasing the Maplewood property to the Community Action Commission for the purposes of creating a Head Start facility. Other entities that submitted bids for the property were Boone County Schools and the Northern Kentucky Children's Home.

At this time Judge Moore noted those who wished to speak in favor of each proposal would be allotted fifteen (15) minutes each to address the Court.

Randy Poe, Boone County Schools Superintendant, addressed the Court noting that while their bid was not as high as the other proposals he asked them to consider the total cost to taxpayers. Poe also urged the Court to renegotiate with all bidders in the event that the Court decided to reject that staff recommendation.

After Mr. Poe completed his remarks, Judge Moore asked if anyone else present wished to address the Court. Seeing none Judge Moore then opened the floor to the Children's Home of Northern Kentucky (CHNKY).

Jim Parsons, CHNKY's legal representation, urged the Court to reconsider the staff recommendation and award the CHNKY the lease. Mr. Parsons noted that the Maplewood facility is critical to their operation. Mr. Parsons also spoke of the history of the facility as well as benefits that the facility offered to those who lived there.

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Residents Steve Fritz, Billy Jo Morris, and Louis Evans all addressed the Court urging them to reconsider the staff recommendation and award the lease to CHNKY. The residents displayed concern over the potential impact of lost jobs, displaced kids, and historical significance of property as a treatment center.

At this time Judge Moore opened the floor for those who were in support of the Community Action Commission receiving the lease agreement.

Florence Tandy, with CAC, spoke to the direct benefits that this facility would have for their Head Start program. Ms. Tandy further stated the benefit that Head Start has for those who utilize that program and noted that the Boone County was the only county in the state that did not offer its residents this program.

Kathy Ruetmann, Boone County Schools Administrator and resident, cited the positive impact that a Head Start program would have on the schools, and noted that if the Court accepted the staff recommendation than the school system would look forward to working collaboratively with CAC to serve Boone County kids.

James Fritz, Boone County resident and Burlington business owner, noted that his kids directly benefited from the Head Start program when they were in school. Mr. Fritz further noted that prior to their participation in the program they struggled. Mr. Fritz urged the Court to accept the recommendation made by the staff.

After having allotted time for discussion regarding all three proposals Judge Moore then turned the floor over to the commissioners.

At this time Commissioner Kenner praised all three organizations for their work both in Northern Kentucky and in Boone County. He further stated that his decision is the result of a great deal deliberation and that he moved to accept the staff recommendation awarding the lease agreement to the Community Action Commission for the purposes of creating a Head Start program in Boone County.

Commissioner Moore, seconded Commissioner Kenner's motion with a condition that the staff negotiates a lease agreement and that the terms of said lease agreement be ratified by the Fiscal Court via resolution prior to the execution of the lease.

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-29, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT ACCEPTING THE LEASE PROPOSAL MADE BY THE COMMUNITY ACTION COMMISSION, INC. FOR THE USE OF THE COUNTY OWNED MAPLEWOOD PROPERTY.

At this time Commissioner Flaig stated that she felt as though Maplewood should be kept as a children's home and noted that she planned to vote against the resolution.

Judge Moore called for a vote on the motion, Motion Passes (3-1). (Exhibit VI A).

Following the passage of Resolution 09-29 Judge Moore remarked to those present that this was one of the hardest decisions that he has made during his tenure as Judge/Executive. He noted that all three proposals sought to improve the lives of kid's.

**Mowing Contracts for Boone County Parks**

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Resolution 09-30, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDDING THE BIDS FOR CONTRACT

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MOWING FOR THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI B).

**Fire Training Center Bid**

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 09-31, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR THE BOONE COUNTY FIRE TRAINING FACILITY PHASE II TO JINDAL BUILDERS AND RESTORATION CORPORATION. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI C).

**Bid Award for New Voting Machines**

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 09-32, A RESOLUTION A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR NEW VOTING MACHINES TO HARP ENTERPRISES, INC.–Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI D).

**ITEM VIII.**

**OLD BUSINESS**

At this time there were no items brought before the Court

**ITEM IX.**

**NEW BUSINESS**

At this time there were no items brought before the Court

**ITEM X.**

**FISCAL MATTERS**

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve an invoice report dated 3-17-09 and a pre-paid report dated 3-6-09. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit XA)

Commissioner Moore moved, seconded by Commissioner Flaig, to approve Fiscal Court Order # 5, An Order of the Boone County Fiscal Court authorizing transfers in the amount of \$160,932 within the adopted Fiscal Year 2008-2009 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit XB)

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the monthly financial report for the month of February 2009. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit XC)

**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 March 17, 2009.

  
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Blair G. Schroeder  
Fiscal Court Clerk

Date: 4-8-09