

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
April 21, 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: Lisa Buerkley, County Treasurer
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 Kenner moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of April 7, 2009. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

DELEGATIONS

Judge Moore read two proclamations, one recognizing the Florence Elks Lodge #314 and the other recognizing the American Diabetes Association "Tour de Cure Day".

Mr. James Bozeman addressed the court and made several remarks regarding potential conflicts involving Judge Moore, Brandstetter and Carroll, Engineers and Mr. Ben Brandstetter. Judge Moore remarked that all activities involving the mentioned parties have been voted upon by the court and that the county adheres to high ethical standards.

ITEM IV.

PERSONNEL MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-44 A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING VARIOUS SEASONAL APPOINTMENTS AT THE UNION POOL WITHIN THE PARKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-1. AYE (Judge Moore, Commissioner Kenner & Moore) NAY (Commissioner Flaig). (IV A Exhibit A)

Commissioner Moore moved, seconded by Commissioner Flaig, to approve Resolution 09-45, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPOINTING KENTON LEE SENA TO THE SEASONAL POSITION OF ARBORETUM INTERN IN THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (IV B Exhibit A)

ITEM V.

ORDINANCES

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Second reading - AN ORDINANCE 09-03 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.

Commissioner Flaig moved, seconded by Commissioner Moore to approve the Ordinance 09-03. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

Second reading - AN ORDINANCE 09-04 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 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. The county administrator noted several of the 17 conditions of approval submitted by the Planning Commission relating to project access. He reviewed these conditions, noted the county's plan to work with the state to install a traffic signal at the Richwood Road/Grand National Boulevard intersection and the need for limited immediate participation by the developer to install turn lanes to facilitate the signal installation. A new condition regarding this item was discussed, read into the record and concurred with by the developer. The condition read as follows "11. The applicant commits to participate in the installation of intersection improvements at the Grand National Boulevard/Richwood Road intersection by dedicating required right-of-way to accommodate a westbound, left turn stack lane and by grading private property to support the added pavement width and drainage swale. In return the county commits to arrange installation of a traffic signal at this intersection. This participation from the applicant would be required on or before October 15, 2009, in conjunction with the scheduled installation of the traffic signal. In addition, the county commits to maintain all existing driveway access points within the limits of the grading/pavement work."

Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Ordinance 09-04, as amended. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

First Reading - AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE BOONE COUNTY FISCAL COURT, KENTUCKY PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY ANDREWS ELECTRONICS, INC. UNDER THE KENTUCKY JOBS DEVELOPMENT ACT (KRS 154.24.010-150).

Second reading and vote is scheduled for the May 26th meeting.

ITEM VI.

JUDGE'S REPORT

No report

ITEM VII.

ADMINISTRATIVE MATTERS

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 09-46, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING THE COUNTY

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JUDGE/EXECUTIVE TO EXECUTE A FIVE YEAR AGREEMENT WITH THE NORTHERN KENTUCKY COMMUNITY ACTION COMMISSION FOR LEASE OF PROPERTY LOCATED AT 3300 BARNEY'S ROAD IN BOONE COUNTY KENTUCKY. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (VII A Exhibit A)

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-47, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AMENDING RESOLUTION NO. 09-30 ADOPTED ON MARCH 17, 2009, AWARDING THE BIDS FOR CONTRACT MOWING SERVICES WITHIN COUNTY PARKS. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (VII B Exhibit A)

ITEM VII.

OLD BUSINESS

The staff reported that the recent bidding process for the real estate owned by the county located at 5698 Idlewild Road produced no submitted bids. It was noted that the staff will now proceed with conventional efforts to sell the property. Any final agreement will be brought back to the court for review and approval.

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 Moore, to approve an invoice report dated 4-21-09 and a pre-paid report dated 4-10-09 and 4-17-09. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (B1, B2, B3)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Fiscal Court Order #6, A Fiscal Court order of the Boone County Fiscal Court authorizing transfers in the amount of \$132,070 within the adopted Fiscal Year 2008-2009 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Moore to approve the monthly financial report and interfund transfers for March 2009. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

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, Daphne Kornblum, 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 April 21, 2009.

Daphne Kornblum
Fiscal Court Clerk

Date: 5/12/09