

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
May 12, 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
 (No representation), Sheriff's Department
 Robin Curry, Assistant County Administrator
 Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
 Greg Sketch, County Engineer
 Jeff Smith, Assistant County Attorney
 Daphne Kornblum, Fiscal Court Clerk

ITEM II. **APPROVAL OF MINUTES**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of April 21, 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 "Drug Court Month" and the other recognizing "National Public Works Week".

Mr. Bob Cicero addressed the court and made several remarks regarding the synchronization and level of service ratings of traffic lights on US 42. Judge Moore said he had just that day received a report from the State in regards to timing of signals and would get him a copy. Greg Sketch added that the traffic lights are controlled by the transportation department and not the county. Mr. Cicero also added he is not in agreement with the tax breaks the county offered DHL to relocate the CVG.

Ms. Sylvia Burke addressed the court in support of a No-Smoking Ban in Boone County.

ITEM IV. **PERSONNEL MATTERS**

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-48 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING DAPHNE KORNBLUM TO THE POSITION OF FISCAL COURT CLERK AND AUTHORIZING PAYMENT OF \$200 PER MONTH AS A STIPEND FOR SERVICES. 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 Kenner, to approve Resolution 09-49 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING VARIOUS SEASONAL APPOINTMENTS AT THE GOLF COURSES. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0. (IV B Exhibit 1)

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Commissioner Kenner moved, seconded by Commissioner Flaig, to approve Resolution 09-50 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING VARIOUS SEASONAL EMPLOYEES TO THE POSITION OF LABORER I IN THE PUBLIC WORKS DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0. (IV C Exhibit 1)

Commissioner Moore moved, seconded by Commissioner Flaig, to approve Resolution 09-51 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING ERIC BOSLER 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 4-0. (IV D Exhibit 1)

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 09-52 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING KELLY KLEIER TO THE SEASONAL, PART TIME POSITION OF INTERN IN THE BOONE COUNTY ADMINISTRATION DEPARTMENT. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0. (IV E Exhibit 1)

ITEM V.

ORDINANCES

Second reading – 09-05 AN ORDINANCE RELATING TO THE GRANTING AND ISSUING A COMPETITIVE, NON-EXCLUSIVE FRANCHISE FOR A TERM OF 12 YEARS TO AND AUTHORIZING THE EXECUTION OF THE FRANCHISE AGREEMENT WITH CINCINNATI BELL EXTENDED TERRITORIES LLC, ITS PERMITTED SUCCESSORS OR ASSIGNS, PROVIDING FOR THE CONSTRUCTION, ERECTION, INSTALLATION AND OPERATION OF A CABLE TELEVISION SYSTEM FOR THE PROVISION OF CABLE TELEVISION SERVICES IN THE UNINCORPORATED AREAS OF BOONE COUNTY, ALL UPON THE TERMS, CONDITIONS AND COVENANTS CONTAINED IN THE FRANCHISE AGREEMENT. (V A)

Commissioner Kenner moved, seconded by Commissioner Moore to approve the Ordinance 09-05. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

First Reading - AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT MODIFYING ITS CODE OF ORDINANCES AND SPECIFICALLY SECTIONS 150.15 AND 150.18 OF SAME, PROVIDING FOR THE CONTINUED ADOPTION BY REFERENCE OF THE *KENTUCKY BUILDING CODE* AND *KENTUCKY RESIDENTIAL CODE* AND ANY SUBSEQUENT EDITIONS THEREOF. (V B)
Second reading and vote is scheduled for the June 9th meeting.

First Reading - AN ORDINANCE RELATING TO THE ANNUAL BUDGET AND APPROPRIATIONS FOR FISCAL YEAR 2009-10. (V C) Second reading and vote is scheduled for the June 9th meeting.

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 DHL EXPRESS (USA), INC. UNDER THE KENTUCKY JOBS DEVELOPMENT ACT (KRS 154.24.010-150). (V D Exhibit 1) Second reading and vote is scheduled for the June 9th meeting.

ITEM VI.

JUDGE'S REPORT

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 09-53 RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W.

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MOORE, COUNTY JUDGE/EXECUTIVE, RE- APPOINTING HANK FEDDERS AS AN ALTERNATE REPRESENTATIVE TO THE BOONE COUNTY BUILDING INSPECTOR APPEALS BOARD. (VI A) Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-54 A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING RUSSELL SCHWENKE TO THE UNION FIRE PROTECTION DISTRICT BOARD. (VI B) Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Commissioner Moore moved, seconded by Commissioner Flaig, to approve Resolution 09-55 A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING MARK STALLINGS TO THE BELLEVIEW FIRE PROTECTION DISTRICT BOARD. (VI C) Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 09-56 A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING FRANK HITZFIELD TO THE PETERSBURG FIRE PROTECTION DISTRICT BOARD. (VI D) Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-57 A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING ROBERT C. ASSEO TO THE FLORENCE FIRE PROTECTION DISTRICT BOARD. (VI E) Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

ITEM VII.

ADMINISTRATIVE MATTERS

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 09-58, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDDING THE ANNUAL BIDS FOR PHASE I THE PUBLIC WORKS DEPARTMENT. Greg Sketch requested to withdraw the Storm Sewer Pipe, item #17 from the bid. (VII A Exhibit 1) Judge Moore called for a vote on the motion as amended, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-59, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR THE BOONE COUNTY FIRE CHIEFS ASSOCIATION SITE IMPROVEMENTS AT THE FIRE TRAINING FACILITY BE AWARDED TO LONKARD CONSTRUCTION, INC. (VII B Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Flaig, to approve Resolution 09-60, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO ENTER INTO THE COUNTY ROAD AID COOPERATIVE AGREEMENT WITH THE DEPARTMENT OF RURAL AND MUNICIPAL AID, TRANSPORTATION CABINET, COMMONWEALTH OF KENTUCKY. (VII C Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-61, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF

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RURAL AND MUNICIPAL AID, TRANSPORTATION CABINET, REGARDING THE UNINCORPORATED URBAN PLACE OF BOONE COUNTY. (VII D Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Kenner, to approve Resolution 09-62, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF RURAL AND MUNICIPAL AID, TRANSPORTATION CABINET, REGARDING THE UNINCORPORATED URBAN PLACE OF OAKBROOK. (VII E Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Resolution 09-63, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF RURAL AND MUNICIPAL AID, TRANSPORTATION CABINET, REGARDING THE UNINCORPORATED URBAN PLACE OF BURLINGTON. (VII F Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve Resolution 09-64, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT MAKING APPLICATION FOR REIMBURSEMENT OF COUNTY FUNDS UTILIZED FOR THE TRANSPORTATION OF NON PUBLIC SCHOOL STUDENTS. (VII G Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Resolution 09-65, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE ANNUAL SALT SUPPLY BID TO CARGILL INC-DEICING TECHNOLOGY. (VII H Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Moore, to approve Resolution 09-66, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING THE COUNTY OF BOONE, KENTUCKY BY AND THROUGH JUDGE-EXECUTIVE, GARY W. MOORE TO PURCHASE REAL PROPERTY LOCATED AT 7659 TURFWAY ROAD FOR USE AS PUBLIC RIGHT-OF-WAY, FOR THE DEVELOPMENT OF THE SOUTH AIRFIELD CONNECTOR ROAD PROJECT. (VII I Exhibit 1) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Resolution 09-67, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT AUTHORIZING JUDGE EXECUTIVE GARY W. MOORE TO EXECUTE AN EASEMENT AGREEMENT WITH THOMAS AND RITA BUSHELMAN FOR A FIFTY FOOT RIGHT OF WAY AND EASEMENT ACROSS A PORTION OF COUNTY OWNED PROPERTY ADJACENT TO OAK BROOK DRIVE TO ACCESS PROPERTY LOCATED AT 4844 BURLINGTON PIKE. (VII J) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM VIII.

OLD BUSINESS

Tim Williams reported on the success of the Chalk Art Festival.

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ITEM IX.

NEW BUSINESS

Commissioner Kenner moved, seconded by Commissioner Flaig, to approve a request for authorization to place order for Sheriff's Department police vehicles for FY 2010. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM X.

FISCAL MATTERS

Commissioner Moore moved, seconded by Commissioner Kenner, to approve an invoice report dated 5-12-09 and a pre-paid report dated 4-24-09 and 5-87-09. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (X A1, A2, A3)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Fiscal Court Order #7, Fiscal Court order of the Boone County Fiscal Court authorizing transfers in the amount of \$29,360.00 within the adopted Fiscal Year 2008-2009 Budget. (X B) Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM XI.

ADJOURNMENT

Commissioner Kenner moved, seconded by Commissioner Moore, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0).

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.



Fiscal Court Clerk

Date: 5/26/09