



**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**November 24, 2009**  
**5:30 P.M.**

**ITEM V.**

**ORDINANCES**

Judge Moore asked the Fiscal Court Clerk to read into the record the first reading of an Ordinance, presented by Kevin Wall, AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF CY ZEMBRODT (APPLICANT) FOR CHAD ROBINSON (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL SERVICES (C-3) FOR AN APPROXIMATE ½ ACRE SITE LOCATED AT 166 MT. ZION ROAD, BOONE COUNTY. Kevin Wall, Planning and Zoning, gave a presentation on the ordinance. Commissioner Flaig asked what the zoning was on the properties to the right and left. Kevin Wall responded, on the right is the existing business; this would be an expansion of that use. Zoned C-3. On the left is a house that has been for sale and is zoned C-1. Commissioner Flaig asked if it will all be paved. Kevin Wall responded, yes, it is paved now. Commissioner Moore asked if they are going to be driving golf carts into the building and was the structure of the building adequate to support this equipment, there was no definite answer. Kevin Wall responded that this was something that will need to be taken care of thru the building permit process. Commissioner Moore asked if it would be addressed before the second reading of the ordinance and who pays for the right in and right out. Kevin Wall responded that it is the applicant's responsibility. Judge Moore asked if the vote from Planning and Zoning was unanimous. Kevin Wall responded, yes it was 10-0. Jeffrey Earlywine, County Administrator stated the second reading of the ordinance would be at the December 22, 2009 Fiscal Court meeting.

**ITEM VI.**

**JUDGE'S REPORT**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 09-150, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE RE-APPOINTMENT OF COUNTY JUDGE/EXECUTIVE GARY W. MOORE, TO THE OHIO-KENTUCKY-INDIANA (OKI) REGIONAL COUNCIL OF GOVERNMENTS BOARD OF TRUSTEES. Commissioner Moore asked the Judge if he wanted to serve the OKI board. Judge Moore responded yes. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0, Judge Moore abstained from voting.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 09-151, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING CATHY FLAIG TO THE NORTHERN KENTUCKY SOLID WASTE MANAGEMENT'S TECHNICAL ADVISORY COMMITTEE. Commissioner Moore asked Commissioner Flaig if she wanted to serve. Commissioner Flaig responded yes. Judge Moore moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0, Commissioner Flaig abstained from voting.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 09-152 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURTS APPROVAL OF A CONTRACT MODIFICATION TO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS AND NIPLE ENGINEERS FOR WORK ON THE SOUTH AIRFIELD ROAD PROJECT. Jeffrey Earlywine commented on the contract modification, funding, opinion of cost, tentative time frame and other outstanding issues associated with this project. Commissioner Flaig asked how long ago we turned this over the State. Jeffrey Earlywine responded that this was a specific change as it related to amending of the agreement with the Kentucky Transportation Cabinet to provide some assistance with right of way and utilities. Commissioner Flaig asked if they were going to provide that. Jeffrey Earlywine responded yes.

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Commissioner Moore asked with this savings does that put us closer to a date of construction. Jeffrey Earlywine responded the projected bid date of Spring 2010. Commissioner Moore asked if the road can be constructed without connector and the connector be added later. Jeffrey Earlywine responded yes, it could but the way to get the best price would be to bid the project all at once. If we don't have the additional funds it can be bid in two pieces. Commissioner Flaig asked when will the time frame come in for Houston and we know if it's a go or not. Jeffrey Earlywine responded we are currently working with OKI and the City of Florence on some other funding that may be available. It will probably be the 1<sup>st</sup> quarter of next year before we know if we are eligible for some or all of the funds. Commissioner Flaig asked if that stretch of road was located in Florence. Jeffrey Earlywine responded yes, a piece of it is in Florence. Judge Moore stated that right now we are identifying what part of Houston Connector will be in Florence and which part will be in unincorporated. We are working with the City to find an agreement that will work for everyone. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 09-153 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACCEPTING OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR SECTIONS OF OLD NORTH BEND ROAD. Greg Sketch, County Engineer, spoke on improvement relocation of North Bend Road, certain areas of right of way the State is requesting the County to take over, roundabout at Graves Road and accesses to Parlor Grove, Litton Lane and Medical Arts Drive and the maintenance the County will take over, Graves Road and its continued maintenance and access Road #1, a new road built behind Wendy's that accesses businesses to the East of North Bend Road. Commissioner Moore asked if we had to buy these. Greg Sketch replied, no. Judge Moore stated these things happen after a major road widening and referred to Old US 42. Greg Sketch stated there is a paragraph in the resolution that they will be resurfacing that area on North Bend Road. Commissioner Flaig moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 09-154 A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT REQUESTING AREA DEVELOPMENT FUNDS FOR RESURFACING AN ASPHALT WALKING TRAIL AT CENTRAL PARK. Robin Curry, Assistant County Administrator, gave brief comments on the resurfacing of the trail. Commissioner Flaig asked the total cost of the whole project. Jeffrey Earlywine answered \$25,000.00. Commissioner Flaig asked when the asphalt plants close. Robin Curry responded it depends on the weather, but generally it is the first or second week of December. Commissioner Kenner moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

**ITEM VIII.**

**FISCAL MATTERS**

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Invoice Report (11-24-09) and pre-paid invoice report dated (11-20-09). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Kenner to approve Golf Course Invoice Report (11-24-09) and pre-paid Golf Course invoice report dated (11-20-09). 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 Transfer for October. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Flaig moved, seconded by Commissioner Moore, to approve the Fiscal Court Order #2, A Fiscal Court order of the Boone County Fiscal Court authorizing transfers in the amount of \$180,883

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within the adopted Fiscal Year 2009-2010 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

**ITEM VIII.**

**OLD BUSINESS**

None at this time.

**ITEM IX.**

**NEW BUSINESS**

Jeffrey Earlywine briefed the court on a proposed lease agreement at Lassing Pointe golf course for possible erection of a cell phone tower. The purpose of this proposal was to proactively influence where future cell towers are located within the county. Judge Moore asked if it was discussed with the adjoining property owner. Jeffrey Earlywine stated that it was discussed and there were no issues. Judge Moore commented it would provide better cell service to residents in that part of the County. Jeffrey Earlywine stated the pole was at 190 feet level which is normal protocol. Robin Curry stated it was 195 feet. Commissioner Flaig asked if 60 X 60 was standard for 195 feet. Robin answered, yes, but they put a shadow box fence and six feet of evergreens in immediately. Commissioner Moore asked if the cost of building and maintaining it lies with the communications company. Robin Curry responded they take care of everything. Commissioner Flaig asked if this was in the golf course where it is playable. Robin Curry responded it isn't and the visibility of it was discussed with golf staff. Commissioner Flaig if it would disrupt any golfing. Robin responded, no. No formal action was requested from the court.

Robin Curry gave brief comments on the proposed energy performance contracts stating the county was awarded a block grant for energy efficiency for \$368,000.00. Ron Bressler, Senior Project Manager for Energy Systems Group was on hand to answer any questions. The topic was discussed and it was decided to move forward and more information would be brought back to a future Fiscal Court meeting.

Eric Kranley, spokesman for NKY Choice, gave comments on a proposed smoking ban discussed recently by the Crestview Hills city officials. Judge Moore responded that if the issue were ever made an ordinance we would take public comments on the issue.

Commissioner Flaig commented on the City's of Florence and Walton tree lighting ceremonies. Judge Moore spoke about the Burlington Business Association's free events beginning December 4<sup>th</sup>. Commissioner Flaig mentioned the Kids voting USA.org recognized Judge/Executive Ralph Drees on November 20<sup>th</sup> for a Civic Leadership award.

**ITEM XI.**


**ADJOURNMENT**

Commissioner Flaig 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 November 24, 2009.

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Fiscal Court Clerk

Date: 12/8/09