

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
August 10, 2010
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
(Absent) Robert Neace, County Attorney

Staff: Lisa Buerkley, County Treasurer
Les Hill, Sheriff's Department
Greg Sketch, County Engineer
Robin Curry, Assistant County Administrator
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
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 July 27, 2010. Judge Moore called for a vote on the motion, MOTION PASSES (4-0).

ITEM III.

PRESENTATIONS

None at this time.

ITEM IV.

PERSONNEL MATTERS

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-113, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING LISA DESMARAIS TO A PART-TIME POSITION IN THE HUMAN SERVICES DEPARTMENT FOR THE PURPOSE OF CONDUCTING AN ECONOMIC STUDY OF THE HOMELESS, FUNDED BY A WELCOME HOUSE GRANT. Kirk Kavanaugh, Director of Human Services, gave an overview on the need of the part time appointment. Commissioner Kenner and Flaig asked questions to which Kirk Kavanaugh responded. 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 V.

ORDINANCES

None at this time.

ITEM VI.

JUDGE'S REPORT

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-114, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING RICHARD WALLACE TO THE UNION FIRE PROTECTION DISTRICT BOARD. Judge Moore made comments. Commissioner Moore moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-1, Ayes 3, Nays 1 (Commissioner Flaig).

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Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-115, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE- APPOINTING JAMES KING TO THE BULLOCK PEN WATER DISTRICT BOARD. Judge Moore made comments. 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 10-116, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING GEORGE WHITTON TO THE BOONE COUNTY ZONING APPEALS AND ADJUSTMENT BOARD. Judge Moore made comments. 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.

ITEM VII.

ADMINISTRATIVE MATTERS

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-117, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING MENTAL HEALTH TAX FUNDS IN THE AMOUNT OF \$29,180 TO THE NORTHERN KENTUCKY MENTAL HEALTH COURT FOR YEAR 2011. Judge Moore, Jeff Earlywine and Kirk Kavanaugh gave comments. Commissioner Flaig asked a question to which Jeff Earlywine and Kirk Kavanaugh responded. 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 10-118, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ESTABLISHING THE 2010 AD VALOREM TAX RATES FOR BOONE COUNTY, KENTUCKY. Jeffrey Earlywine gave a presentation, touching on the new real property (five year trend) tax rate revenue, 2009 tax rates and tax revenue summary for FY 09, 10 & 11. Jeff Earlywine's presentation indicated that the suggested tax rates (10.3, 14.7, 15.5 cents) would generate the same amount of revenue as the prior year and be consistent with the FY 2011 budget. He further indicated that keeping the rates the same as last year would result in a budget shortfall of approximately \$115,000. Commissioner Flaig asked if the staff had considered a tax rate of 10.1 cents. Jeff Earlywine responded "no" the staff had not. Lisa Buerkley and Judge Moore made comments to which Jeffrey Earlywine responded. Commissioner Kenner made a motion to keep the real property tax at 10.2%, to which Commissioner Moore seconded. Judge Moore opened the floor to discussion. Jeff Smith, resident, had questions regarding tax rates, to which Jeffrey Earlywine and Judge Moore responded. Diane McElhaney, resident, had questions regarding tax rates to which Judge Moore responded. Judge Moore read the resolution showing the Ad Valorem tax rates at 10.2 Real Property, 14.6 Tangible Property, 14.6 Air Craft Assessment, 15.6 Motor Vehicle Assessment, 14.6 Water Craft Assessment and called for a vote on the motion, ALL PRESENT VOTING 3-1, Ayes 3, Nays 1 (Commissioner Flaig).

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-119, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING JUDGE/EXECUTIVE GARY W. MOORE TO EXECUTE a MEMORANDUM OF UNDERSTANDING WITH OKI SUPPORTING A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). Commissioner Kenner moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-1, Ayes 3, Nays 1 (Commissioner Flaig).

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ITEM VIII.

FISCAL MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner, to approve Invoice Report (8-10-10) and pre-paid invoice report dated (7-30-10). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Flaig to approve Golf Course Invoice Report (8-10-10) and pre-paid Golf Course invoice report dated (7-30-10). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Monthly Financial Report and Interfund Transfer for June. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Kenner moved, seconded by Commissioner Moore to receive and file the annual financial statement for Fiscal year 2010. Lisa Buerkley and Judge Moore made comments. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM IX.

OLD BUSINESS

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-120, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING ALLOCATION OF ADDITIONAL FUNDS TO SECURE PUBLIC RIGHT OF WAY PURSUANT TO AN AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET AND BOONE COUNTY. Judge Moore gave brief comments on the South Airfield Road project. Jeff Earlywine made a brief presentation relating to the terms of a settlement agreement between the owner, Kentucky Transportation Cabinet and the county. He then outlined the benefits of such a settlement in lieu of continuing with litigation. Judge Moore made comments. 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 10-121, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT SUPPORTING THE EFFORTS OF THE TEA PARTY OF BOONE COUNTY, KENTUCKY. Judge Moore reviewed the three components in the resolution and stated that this was not a law; it is supporting the powers of local government and its rights. Judge Moore then opened the floor for discussion and comments. Commissioner Moore made comments and stated she does not feel this falls under the jurisdiction of the Fiscal Court and was not in support of it. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the resolution. No vote was taken at this time and Judge Moore opened the floor to the public. 23 individuals came forward to speak on the issue. Commissioners Kenner, Flaig and Moore made closing comments. Judge Moore made closing remarks and added a fourth component stating "Boone County is an inclusive community and nothing in this resolution should be interpreted as discrimination". Commissioner Kenner moved, seconded by Commissioner Flaig, to approve an amendment adding point number four to the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-1, Ayes 3, Nays 1 (Commissioner Moore). Judge Moore then called for a vote on the resolution as amended, ALL PRESENT VOTING 3-1, Ayes 3, Nays 1 (Commissioner Moore).

ITEM X.

NEW BUSINESS

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Jeffrey Earlywine gave a report regarding Boone County Zoning Ordinance Text Amendment application submitted on behalf of the Fiscal Court. Commissioner Flaig asked a question to which Jeffrey Earlywine responded. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Text Amendment application. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 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 February 16, 2010.

Daphne Kornblum
Fiscal Court Clerk

Date: 8/25/10