

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 2, 2016**  
**5:30 P.M.**

**ITEM I.**

**CALL TO ORDER**

- A. Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.
- B. Judge Gary W. Moore presented the Invocation and the Pledge to the Flag.

Present: Gary W. Moore, County Judge/Executive  
Cathy H. Flaig, Commissioner, District 1  
Charlie Walton, Commissioner, District 3  
Gwen Vice, Assistant County Attorney

Staff: Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Matthew H. Webster, Assistant County Administrator  
Benjamin T. Reece, Treasurer/Finance Director  
Scott Pennington, County Engineer  
Lori Zombek, Director of Human Resources  
Maj. Tom Scheben, Sheriff Department  
Sharon Burcham, Fiscal Court Clerk

**PUBLIC HEARING**

Judge Moore called the Public Hearing to Order. The Public Hearing Notice was read into the record by the Fiscal Court Clerk. Judge Moore asked if the applicants were present and invited them to the podium to speak. Howard and Jackie Delph were present and advised the Court they had been maintaining the property as their own for twenty-seven (27) years. Judge Moore asked Mr. and Mrs. Delph if they owned both sides of the property asking to vacate, they responded, yes. Judge Moore asked if there were any questions from the Commissioners and opened the floor for anyone else to speak. Mr. Paul Vesper, of Petersburg came to the podium and stated he represents clients that have an interest in Petersburg and shared the research he has done on the property in Petersburg. Mr. Vesper wants to establish the framework on a clear title for other property owners. Jeff Earlywine, County Administrator, asked Mr. Vesper to distinguish abandonment and stated there is no gravel or asphalt on the alley or right-of-way. Mr. Vesper responded. Judge Moore stated Gwen Vice, Assistant County Attorney is present and has been working on this issue. Gwen Vice stated there is no evidence the County took possession of the alley ways into the County road system and added that Quit Claim Deeds have been the normal procedure for these situations. Commissioner Flaig asked a question. Gwen Vice responded the County is not claiming any interest in the property. Commissioner Flaig asked if the property owners would be satisfied with this method; Mr. and Mrs. Delph responded they would agree. Judge Moore asked if there were any other questions? Jeff Earlywine, County Administrator, stated an amended Resolution was passed out to the Court with changes made to the conditions of the Resolution. Jeff Earlywine asked Mr. and Mrs. Delph is there was any controversy over public utilities and they responded, No. Mr. Vesper commented on the water lines. Judge Moore asked for any other questions or discussion, none presented. Judge Moore closed the Public Hearing.

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A that pertained to the Public Hearing. A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE VACATION OF TWO SECTIONS OF "ALLEY" RIGHT-OF-WAY SOUTH OF THIRD STREET BETWEEN MILL STREET AND BROADWAY STREET IN PETERSBURG, BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE VIEWING COMMITTEE. Judge Moore asked Gwen Vice, Assistant County Attorney, if she approved of the Resolution, she confirmed. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

Judge Moore announced that Commissioner Charles Kenner would not be present at the Meeting tonight. Judge Moore introduced a guest in the audience, Ms. Avery Booth, at Student at Pendleton County High School and studying local government. She spent the day with Judge Moore.

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**ITEM II.**

**APPROVAL OF MINUTES**

A. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Minutes from the July 19, 2016 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, MOTION PASSED AYE 3-0.

**ITEM III.**

**PRESENTATIONS**

A. Judge Moore introduced Dr. Lynn Saddler, Director of the Health Department to present the SPGE for the Health District. Dr. Saddler explained the Health Department maintains the County Health Center and provides services to the District Health Department. Dr. Saddler stated the special ad valorem public health tax levy will be in the amount of 1.9 cents per \$100 assessed value of all real property and at the rate of 1.9 cents per \$100 of the assessed value of all personal property for the year 2016 and at the rate of 1.9 cents per \$100 of the assessed value of all motor vehicles for the year 2017. This amount computes to .06 cents per day per person for all services provided which generates \$2,872,105. The 2017 annual budget will be \$17.4M. Judge Moore thanked Dr. Saddler for her service and asked what the rates were in other Counties, with Boone County being 1.9. Dr. Saddler responded the rate in Campbell is 2.2; Grant, 2.8 and Kenton is 2.0. Judge Moore asked if any other cases of Zika virus were found in Boone County. Dr. Saddler responded the one case was from someone who had traveled; it was not contacted in Boone County. Dr. Saddler explained what the Health District is doing to educate the public on the Zika virus. Commissioner Flaig asked if their website had information. Judge Moore announced that the new corporate Health offices would be moving to Boone County on Ewing Boulevard.

**ITEM IV.**

**PERSONNEL MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF BOBBY SAYLOR TO THE POSITION OF PROPERTY MAINTENANCE TECHNICIAN/PLUMBER FOR THE PROPERTY MAINTENANCE DEPARTMENT. Lori Zombek, Director of Human Resources, explained the Property Maintenance Department has reworked the job description to fill some openings for a Master Plumber. This person is a new hire. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF MATT ADKINS TO THE POSITION OF SENIOR PROPERTY MAINTENANCE TECHNICIAN FOR THE PROPERTY MAINTENANCE DEPARTMENT. Lori Zombek, Director of Human Resources, explained that multiple interviews were held and they promoted from within someone who has been with the County for 15 years. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE OF JERRY BISCHOFF TO THE POSITION OF PROPERTY MAINTENANCE ELECTRICIAN FOR THE PROPERTY MAINTENANCE DEPARTMENT. Lori Zombek, Director of Human Resources, explained this was not a vacancy but advancement due to restructuring in the Department. He is a Master Electrician. Judge Moore commented this was an existing employee and thanked Mr. Bischoff for being present. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

**ITEM V.**

**ORDINANCES**

- A. First Reading – None at this time.
- B. Second Reading – None at this time.

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**ITEM VI.**

**JUDGE'S REPORT**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING LEWIS DIAZ AS THE CITIZEN REPRESENTATIVE TO THE NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT BOARD OF DIRECTORS. Judge Moore explained that Mr. Diaz was a Boone County resident and is Chairman Elect on the Board. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING BARBARA FARROW TO THE PARKING VIOLATION HEARING BOARD. Judge Moore commented this is a re-appointment to the Parking Board. Matthew Webster, Assistant County Administrator, explained there are two actions of this Board, 1) to follow up on unpaid parking citations and 2) if a citizen wants to appeal a parking ticket. There have been 3 hearings in the last 2 years. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AN AGREEMENT WITH THE SANITATION DISTRICT #1 OF NORTHERN KENTUCKY FOR PARTICIPATION IN THE PRIVATE SANITARY SEWER LATERAL REPAIR PROGRAM. Jeff Earlywine, County Administrator, explained this is an Agreement relating to private sewer repair, not for storm water. Sewer laterals break in the street usually causing a sinkhole; the former Agreement had the homeowner responsible. Once the home owner determines a break, SD1 will make the repair and any street restoration and the homeowner makes repair up to the street only. Commissioner Walton asked a question about homeowner's responsibility. Judge Moore commented this brings the repairs back to where it should be, homeowners should not be responsible for fixing the street. Commissioner Flaig stated there would be no cost to the homeowner for the public right-of-way. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A MEMORANDUM OF AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS AND THE BOONE COUNTY FISCAL COURT IN THE AMOUNT OF \$750,000.00 FOR AN INTERCHANGE JUSTIFICATION STUDY. Judge Moore commented this is for the Graves Road Justification Study, which was budgeted last year. The County will be paying 50% of the \$750,000; the State Highway Department will be paying the other half. The planning is moving forward and our County Engineer will be on the selection team for the design consultant. Commissioner Flaig asked if the study included Hebron and Petersburg exits. Judge Moore responded that both interchanges, before and after the Hebron Exit, will be part of the study. The study is expected to be completed by the end of 2017 and will determine if the interchange can be located there and what the estimated costs would be. Commissioner Flaig asked if there would be east and west bound entrances. Judge Moore responded it will be a full interchange going both directions. Judge Moore shared that traffic congestion is the primary reason for the study. With a new interchange it opens up land for development. This is an exciting project and the Highway Department will keep the public informed. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

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D. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING RECEIPT OF THE PUBLIC HEALTH TAX RATE SET BY THE BOONE COUNTY PUBLIC HEALTH TAXING DISTRICT CREATED BY KRS 212.750 AND VERIFYING ITS PLACEMENT ON THE COUNTY TAX BILL. Judge Moore stated this Resolution is not related to the presentation Dr. Saddler made earlier. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

**ITEM VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Report dated August 2<sup>nd</sup>, 2016 and pre-paid Invoice Reports dated July 21<sup>st</sup> and July 29<sup>th</sup>, 2016. Benjamin Reece, County Treasurer, stated that after approval tonight, all checks will be posted to OpenGov tomorrow morning. Commissioner Walton moved, seconded by Commissioner Flaig to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

B. Judge Moore presented the Golf Invoice Report dated August 2<sup>nd</sup>, 2016 and pre-paid Golf Invoice Reports dated July 21<sup>st</sup> and July 29<sup>th</sup>, 2016. Commissioner Flaig moved, seconded by Commissioner Walton to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0.

**ITEM IX.**

**OLD BUSINESS**

A. Judge Moore asked if there was any Old Business to come before the Court, none presented.

**ITEM X.**

**NEW BUSINESS**

A. Judge Moore announced that tickets are on sale for the Boone County Senior Citizen's Picnic. The picnic is Wednesday, September 14<sup>th</sup> and will be held at the Boone County Fair Grounds. The Boone County Fair starts Monday, August 8<sup>th</sup> and runs through Saturday, August 13<sup>th</sup>. Some improvements have been made to the pavement on site. The Boone County Fair is the best in the State. Judge Moore asked if there was any New Business to come before the Court. None presented.

**ITEM XI.**

**ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Flaig moved, seconded by Commissioner Walton, to adjourn the meeting. ALL PRESENT VOTING AYE 3-0.

**CLERK CERTIFICATION**

I, Sharon Burcham, 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 August 2, 2016.

  
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Fiscal Court Clerk

Date: 17 August 2016