

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
April 18, 2017
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. Commissioner Charles E. Kenner presented the Invocation and the Pledge to the Flag.

Present: Gary W. Moore, County Judge/Executive
Cathy H. Flaig, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Charlie Walton, Commissioner, District 3
Robert Neace, 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. Bill Mark, Sheriff Department
Sharon Burcham, Fiscal Court Clerk

ITEM II.

APPROVAL OF MINUTES

A. Judge Moore presented the Minutes from the April 4, 2017 meeting for approval. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Minutes from the March 21, 2017 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, MOTION PASSED AYE 4-0.

ITEM III.

PRESENTATIONS

A. Judge Moore presented a Proclamation to the Kentucky Motorcycle Association proclaiming the month of May as Motorcycle Safety Month. A representative from the Association was present and accepted the Proclamation

B. Judge Moore announced that Dale Appel, Captain of the Boone County Water Rescue Team would be retiring after fifty (50) years of volunteering and it is the 50th year anniversary of the Water Rescue Team. Dale Appel has served as Captain since 1967 and has been the only leader since the beginning. The Team has over 40 volunteer members helping to promote water safety. The Court will be appointing Kenneth Purcell as the new Captain.

Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING KENNETH PURCELL TO THE VOLUNTEER POSITION OF CAPTAIN FOR THE BOONE COUNTY WATER RESCUE DEPARTMENT. Commissioner Walton commented that the Boone County Water Rescue Team is known across the State as the best Water Rescue Team. Judge Moore thanked the members of the Boone County team that were present in the audience and members from other Counties. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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Judge Moore shared the accomplishments of Dale Appel as Captain of the Water Rescue Team and congratulated him on the many activities and services the Team has provided over the 50 years. Judge Moore presented Dale Appel with an appreciation gift from the County. Dale stated his life has been dedicated to Water Rescue and thanked the Administration for helping him succeed.

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 APPOINTMENTS OF JORDAN TYREE, ZACH MORRIS AND HUNTER TRENARY AS SEASONAL NEW HIRES FOR THE BOONE COUNTY ARBORETUM INTERN POSITION BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated it is the time of year for Spring interns. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM V.

ORDINANCES

A. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. A: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF ROBERT G. ROTHERT, ABERCROMBIE & ASSOCIATES, INC. (APPLICANT) FOR E-TOWN DEVELOPMENT COMPANY, LLC AND TRADITIONS DEVELOPMENT COMPANY, LTD. (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) AND RECREATION (R) TO SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) FOR A 496.3 ACRE SITE LOCATED AT 2035 WILLIAMS ROAD AND AT THE TERMINUS OF WILLIAMS ROAD, BOONE COUNTY, KENTUCKY. Judge Moore introduced Kevin Wall from the Planning Commission. Kevin presented a map showing nine (9) clusters where building will take place with a limit of 410 units maximum. This covers 360 acres of open spaces. There will be three (3) lot types/sizes available. This request has a unanimous approval from the Planning Commission. Kevin explained the conditions of the approval. Judge Moore thanked Kevin for his presentation and asked if there were any questions from the Court. Commissioner Flaig asked if water and sewer were provided for this development. Kevin responded, Yes. Judge Moore asked if there was anyone in the audience opposed to the request. No one responded. Judge Moore announced that second reading for this Ordinance will be May 16, 2017.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT ESTABLISHING A SERVICE FEE FOR ENHANCED 911 EMERGENCY DISPATCH SERVICES TO OWNERS OF REAL PROPERTY IN BOONE COUNTY, KENTUCKY. Judge Moore commented that there are three (3) items on the Agenda that are tied together, this Ordinance, the repeal of 911 landline fees and the bid award. Judge Moore opened up the floor with any questions or comments from the audience. Questions were from:

1. Russell Light – Homeowner of Apartments
2. Van Wolverton of Union
3. Bill McElhaney of Boone County
4. Barry Hartman
5. Jessie Brewer of Union
6. Matt Dedden of Burlington

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7. Pamela Messer of Verona
8. Gene Freilicher
9. Jim Parsons of Union
10. Dan McElhaney of Florence
11. Chris Durmouth
12. Mr. Sye of Hebron
13. Greg White of Florence
14. Carrie Cox
15. Jim Foltz
16. Sandy Aseere of Verona
17. Jerry Kunkelman
18. Debra Messer of Verona
19. Tom Bushelman
20. Terry Phillips of Union
21. Bob Flaig of Hebron
22. Roy Scalf of Richwood
23. Joanne Arlinghaus
24. Phyllis Sparks of Beaver Lick
25. Russell Light

Judge Moore and Jeff Earlywine responded to questions presented by the audience. Jeff explained the answer of growth in the County paying for the system. There are an estimated 52,500 units in Boone County. The County needs a sustainable funding model to provide the 911 system. New property and growth in the County but no one has landlines. \$75 would be a sustainable funding source to pay for the 911 service. Judge Moore added the formula was used of the total budget of PSCC costs, backed out a percentage of number of units in the county. Judge Moore stated the County is not allowed to tax cell phones. The fee guidelines do not allow the County to take in more money than the costs of the 911 center. The new equipment will cover the many dead areas in the County. If the bid is awarded there is a savings by having a regional system. The County is required by law to reduce the fee when the amount of new homes provide more revenue than needed. Jeff Earlywine explained the budget and reserve and how the County is the pass through for some taxing entities. Judge Moore responded to the question of recurring expenses stating the expenses in the County have stayed flat, stating the property tax rate has been lowered. The State sets the formula for evaluating property. The PVA office is a State office. Judge Moore addressed the question regarding vacant property. Each separate address will be charged the fee. Apartment vacancies as of July 1 will not be charged. Schools, government buildings and churches will be required to pay the fee. Hotels will be charged one fee as they do not have separate addressed for each hotel room.; vacant land is not included in the fee. There will be an Appeal Board appointed. The law does not allow the County to charge big businesses a different price. This fee will appear on the 2018 Property Tax bills. Judge Moore asked if the Commissioners had any questions or comments. Commissioner Walton stated he felt the \$75 was a fair amount for everyone and he is comfortable with the data that has been presented. Commissioner Kenner stated there has been a task force working for two (2) years, the County is paying for the new system up front and has done everything to get the costs down. Judge Moore commented the process has worked and this is the final outcome. We presented three (3) options. Judge Moore asked if there was a Motion to accept the Resolution. Commissioner Flaig stated she would be voting No and asked about the reserve fund, new homes next year and the revenue from payroll tax.

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Judge Moore responded that the 25% reserve fund was voted on by Commissioners. Jeff Earlywine commented it was voted in 2011. Judge Moore stated the low reserve policy set by the Court maintains the AA bond rating. Judge Moore asked if there were any other questions from the Court. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-1. Commissioner Flaig voted No.

Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR A NEW REGIONAL PUBLIC SAFETY COMMUNICATION SYSTEM TO MOTOROLA SOLUTIONS, INC. Jeff Earlywine, County Administrator stated this bid award is the recommendation of the task force; it is the lowest and best bid. We received three (3) bids. The best bid being from Motorola Solutions, Inc., at the bid price of \$6,237,671.00. Jeff explained what is included in the bid price and the conditions of the Purchase Contract being signed by May 31st, 2017 and that Campbell County and Kenton County act similarly. Jeff asked Paul See, the Radio Specialist if he had any comments. Paul stated Motorola had the better design and that it is a unique experience that all three counties are coming together on this project. Commissioner Kenner asked a question about the system in Lexington, Paul responded. Judge Moore asked about coverage at dead spots and inside buildings, Paul responded the guarantee was 95% coverage. Jeff Earlywine commented that by having all three counties bid together created a savings of \$2M. Paul added the day to day operation would allow responders to communicate with each other. Judge Moore asked if there were any other questions and said we support the first responders and thanked them for attending. Commissioner Flaig stated she supports the first responders just not the way the system is being paid for. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-1. Commissioner Flaig voted No.

Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT REPEALING THE E₉₁₁ SERVICE FEES ON ALL TELEPHONE LINES WITHIN BOONE COUNTY. Commissioner Walton asked when the repeal will go into effect. Judge Moore responded June 30, 2018. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-1. Commissioner Flaig voted No.

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 AUTHORIZING THE RE-APPOINTMENT BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF STEVE A. MCCOY TO THE TRANSIT AUTHORITY OF NORTHERN KENTUCKY (TANK) BOARD. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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 AUTHORIZING THE RE-APPOINTMENT BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF BRYAN CARLISLE AS BOONE COUNTY'S REPRESENTATIVE TO THE CVG AIRPORT BOARD. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT OF JUSTIN BAILEY, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE ZONING BOARD OF ADJUSTMENTS FOR THE BOONE COUNTY PLANNING AND ZONING COMMISSION. Judge Moore explained that this will be a full term. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE-EXECUTIVE, OF BOB PARSONS TO THE BURLINGTON FIRE PROTECTION DISTRICT BOARD. Judge Moore commented he talked to Mr. Parsons and he wants to continue on the Board. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

E. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF IAN ADDINGTON TO THE FLORENCE FIRE PROTECTION DISTRICT BOARD. Judge Moore commented this will be the first full term for Mr. Addington. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

F. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. F: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF JAMES HORTON TO THE PETERSBURG FIRE PROTECTION DISTRICT BOARD. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM VII.

ADMINISTRATIVE MATTERS

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 AUTHORIZING THE KENTUCKY TRANSPORTATION CABINET TO ESTABLISH ACCESS CONTROL ON KY 237 ACROSS THE RIGHT-OF-WAY OF THE FORMER ROGERS LANE. Scott Pennington, County Engineer, explained this is dealing with the re-alignment of Rogers Lane after construction. It is a piece of right-of-way on the old Rogers Lane. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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 APPROVING A PARTIAL RELEASE AND AMENDMENT WITH NORTHERN KENTUCKY UNIVERSITY AND THE BOONE CONSERVANCY PERMITTING A LIMITED ENCROACHMENT WITHIN AN EXISTING CONSERVATION EASEMENT TO FACILITATE THE FINAL DESIGN AND ALIGNMENT OF THE VETERAN'S WAY RECONSTRUCTION PROJECT. Jeff Earlywine, County Administrator, explained the Veteran's Way project touches an easement belonging to a conservation area. The County is executing a Release. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

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F. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. F: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACCEPTING THE ANNUAL FY2016 AUDIT OF THE ASSISTED HOUSING DEPARTMENT. Benjamin Reece, Treasurer, commented this was a clean audit. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM VIII.

FISCAL MATTERS

A. Judge Moore presented the Invoice Report dated April 18th, 2017 and pre-paid Invoice Reports dated April 6th, 2017 and April 13th, 2017. Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

B. Judge Moore presented the Golf Invoice Report dated April 18th, 2017 and pre-paid Golf Invoice Reports dated April 6th and April 13th, 2017. 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 4-0.

C. Judge Moore presented the Monthly Treasurer's & Interfund Transfer Report for March, 2017. Commissioner Kenner moved, seconded by Commissioner Walton to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM IX.

OLD BUSINESS

Judge Moore asked if there was any old business to come before the Court. None presented.

ITEM X.

NEW BUSINESS

Judge Moore asked if there was any new business to come before the Court. None presented.

ANNOUNCEMENTS

Judge Moore announced the dates of the Fiscal Court Budget Workshop meetings that will be May 4th at 5:30 PM and May 11th at 5:30 PM.


ITEM XI.

ADJOURNMENT

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Walton moved, seconded by Commissioner Kenner, to adjourn the meeting. ALL PRESENT VOTING AYE 4-0. Judge Moore announced the next meeting will be May 2nd, 2017.

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 April 18, 2017.


Fiscal Court Clerk

Date: 3 May 2017