

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**March 2, 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  
Robert Neace, County Attorney

Staff: Lisa Buerkley, County Treasurer  
Mike Hall, 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 February 16, 2010. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 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 10-28, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING VARIOUS SEASONAL APPOINTMENTS AT THE GOLF COURSES. Commissioner Flaig moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

**ITEM V.**

**ORDINANCES**

Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Ordinance 10-03, AN ORDINANCE OF THE COUNTY OF BOONE, AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING WITHDRAWAL FROM THE TELECOMMUNICATIONS BOARD OF NORTHERN KENTUCKY. Jeffrey Earlywine, County Administrator gave an overview of the withdrawal from the Telecommunications Board. Commission Flaig asked questions that Jeff Earlywine and Bob Neace, County Attorney responded to. Judge Moore commented on the savings with the withdrawal from TBNK. Jeff Earlywine complemented TBNK on their work and indicated the reasoning for the withdrawal was for significant savings to the Fiscal Court. Commissioner Kenner had positive comments of working with schools and other government entities to move in this new direction. Commissioner Kenner moved, seconded by Commissioner Moore, to approve the ordinance. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

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**ITEM VI.**

**JUDGE'S REPORT**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-29, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING KIM QUINN TO THE BOONE COUNTY ETHICS COMMISSION BOARD. Commissioner Moore moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-30, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING ERIC RICHARDSON TO THE TELECOMMUNICATIONS BOARD OF NORTHERN KENTUCKY. Commissioner Flaig asked a question to which Judge Moore responded. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

Judge Moore, noted that the matter was an addition to the agenda and asked the Fiscal Court Clerk to read into the record Resolution 10-31, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT EXPRESSING SUPPORT FOR A REVISION TO KENTUCKY REVISED STATUTE 224.16-224.050 TO REQUIRE, TO THE EXTENT ALLOWABLE, THE ENVIRONMENTAL AND PROTECTION CABINET TO CONSIDER AFFORDABILITY, FLEXIBILITY IN IMPLEMENTATION, AND OTHER FACTORS WHEN ISSUING WET WEATHER DISCHARGE PERMITS. Judge Moore gave an explanation on the resolution. Commissioner Flaig asked questions to which Judge Moore and Jeff Earlywine responded. Commissioner Kenner made positive comments for the resolution. Commissioner Kenner moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 3, "NO" NONE. (Commissioner Flaig abstained from voting) MOTION CARRIED 4-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-32, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT EXPRESSING SUPPORT FOR A REVISION TO KENTUCKY REVISED STATUTE 78.530 TO ELIMINATE THE REQUIREMENT THAT NEW PARTICIPATING AGENCIES MUST CONTRACT WITH THE KENTUCKY EMPLOYMENT HEALTH PLAN IN ORDER FOR EMPLOYEES TO REMAIN IN THE KENTUCKY RETIREMENT SYSTEM. Jeff Earlywine gave a brief explanation of this resolution. Commissioner Kenner moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 3, "NO" NONE. (Commissioner Flaig abstained from voting) MOTION CARRIED 4-0.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-33, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT SELECTING THE FIRM OF CONNICO INCORPORATED AS THE PREFERRED CONSTRUCTION MANAGER FIRM FOR THE SOUTH AIRFIELD ROAD PROJECT. Judge Moore made comments. Robin Curry gave an explanation on the bid process. David Hunley, Vice President of CONNICO, was present to give comments on past work they have done. Commissioner Moore and Flaig made comments. Commissioner Moore moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

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Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 10-34, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING JUDGE/EXECUTIVE GARY W. MOORE TO PROCEED WITH NEGOTIATIONS WITH THE NATURE CONSERVANCY FOR THE PURPOSE OF ACQUIRING THE DINSMORE WOODS AND BOONE CLIFFS PROPERTIES IN WESTERN BOONE COUNTY. David Whitehouse, Parks Director, gave a presentation. Judge Moore commented. Barbara Bardes, President of Dinsmore Board spoke. Commissioner Flaig asked questions. Commissioner Kenner made comments. Commissioner Kenner moved, seconded by Commissioner Moore, to approve the resolution. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

**ITEM VIII.**

**FISCAL MATTERS**

Commissioner Flaig moved, seconded by Commissioner Moore, to approve Invoice Report (3-2-10) and pre-paid invoice report dated (2-19-10) and (2-26-10). Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Golf Course Invoice Report (3-2-10) and pre-paid Golf Course invoice report dated (2-26-10). Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Fiscal Court Order #5, A Fiscal Court order of the Boone County Fiscal Court authorizing transfers in the amount of \$213,840 within the adopted Fiscal Year 2009-2010 Budget. Judge Moore called for a vote on the motion, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 4-0.

**ITEM VIII.**

**OLD BUSINESS**

None at this time.

**ITEM IX.**

**NEW BUSINESS**

Greg Sketch, Director of Public Works, commented on the snowy weather, work hours for snow removal, amount of salt used, miles driven, and estimated cost. Commissioner Kenner complimented the Public Works Department for a job well done.

Commissioner Flaig had read a statement outlining concerns regarding recent statements made by SD1's General Manager; the lack of Fiscal Court involvement in the rate setting process and a legal opinion issued by the County Attorney. Judge Moore responded with comments.

**ITEM XI.**


**ADJOURNMENT**

Commissioner Kenner moved, seconded by Commissioner Moore, to adjourn the meeting, THOSE PRESENT VOTING "AYE" 4, "NO" NONE. MOTION CARRIED 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 March 2, 2010.

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\_\_\_\_\_  
Fiscal Court Clerk

Date: 3-16-2010