

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**March 17, 2015**  
**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 Charlie Kenner presented the Invocation and Pledge.

Present: Gary W. Moore, County Judge/Executive  
Cathy 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  
Lisa Buerkley, Assistant County Administrator  
Ben Reece, Finance Director  
Scott Pennington, County Engineer  
Ben Huff, Sheriff's Department  
Sharon Burcham, Fiscal Court Clerk

Judge Moore commented that the community had lost another long time servant of the County, Mr. Les Jacobs along with Mr. Jim Cummins. Our hearts are with the families and our thoughts and prayers go out to the families from the tragic accident on Weaver Road this week. That is a state highway and there are conversations about the safety of that road.

**ITEM II.**

**APPROVAL OF MINUTES**

- A. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Minutes from the meeting of March 3, 2015. Judge Moore called for a vote on the motion, MOTION PASSES 4-0.

**ITEM III.**

**PRESENTATIONS**

- A. None at this time.

**ITEM IV.**

**PERSONNEL MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-35. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE APPOINTMENTS OF MARY ANN SCHULTZ AND BRENDA HARTLE TO THE POSITION OF PART-TIME ARBORETUM INTERN BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, IN THE BOONE COUNTY PARKS DEPARTMENT. Assistant County Administrator, Lisa Buerkley, explained they are 2 part-time seasonal employees that will be working at the Arboretum and their positions are funded through a contract with the Extension Office. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-36. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING SEASONAL STAFF RE-APPOINTMENTS, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, IN THE BOONE COUNTY PARKS DEPARTMENT. Assistant County Administrator, Lisa Buerkley, explained they will be working in the maintenance department of the Parks Department, starting the first of April. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

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**ITEM V.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the first reading of AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF CARESPRING HEALTH CARE MANAGEMENT C/O JOHN MULLER (APPLICANT) FOR UNION 5 LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE/UNION TOWN OVERLAY (SR-1/UTO) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) FOR THE EASTERN-MOST, APPROXIMATE 9.3 ACRE PORTION OF THE APPROXIMATE 14.3 ACRE TRACT GENERALLY LOCATED ON THE EAST SIDE OF U.S. 42, NORTH OF THE ST. TIMOTHY CHURCH PROPERTY AT 10262, 10272 AND 10300 U.S. 42, WEST OF THE RESURRECTION CEMETERY PROPERTY, AND SOUTH OF THE PROPERTIES AT 1879, 1883, 1887, 1901, 1905, 1915, 1925, 1929 AND 1931 WHISPERING TRAIL, BOONE COUNTY, KENTUCKY. Judge Moore asked Kevin Wall from Planning & Zoning to present the background on this request. Kevin stated it was a unanimous vote with 3 conditions for a Skilled Nursing Facility. Judge Moore explained this is a first reading and no public comment is allowed. Jeff Earlywine, County Administrator, asked Kevin Wall if there were any comments from the public. Kevin Wall responded, only questions, nothing overwhelming. Commissioner Flaig asked about the 5 acre buffer. Kevin Wall responded it is meant to be a development site for future use. Judge Moore asked for any more questions, stating it was a unanimous vote with Planning & Zoning. Commissioner Flaig asked about the Cemetery and Kevin Wall responded it is declared an official cemetery.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the second reading of Ordinance No. 15-04, AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY KEEBLER COMPANY UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Judge Moore explained this is a company located on Weaver Road. Jeff Earlywine, County Administrator, commented this will bring 75 new jobs and will receive a 50% credit on their Occupational License Fee. Judge Moore asked if there was anyone from the audience that wanted to speak on behalf of Keebler. Larry Oberdein Made a comment. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the second reading of Ordinance No. 15-05, AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, REPEALING ORDINANCE NO. 12-09, ADOPTED ON APRIL 10, 2012, IN ITS ENTIRETY, AND ENACTING A NEW ORDINANCE PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY EDAC COMPOSITES, LLC UNDER THE KENTUCKY BUSINESS INVESTMENT (KBI) PROGRAM (KRS 154.32-010 - KRS 154.32-100). Jeff Earlywine, County Administrator, commented this is an existing Boone County company that had undergone a name change. EDAC would be entitled to a 50% credit of their Occupational License Fee. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

D. Judge Moore asked the Fiscal Court Clerk to read into the record the second reading of Ordinance No. 15-06, AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A SERIES OF ZONING TEXT AMENDMENTS TO THE BOONE COUNTY ZONING REGULATIONS, SUCH AMENDMENTS TO BE MADE TO ARTICLES 3, 15 AND 16 OF THE BOONE COUNTY ZONING REGULATIONS WHICH MODIFY TIMING AND PROCEDURAL REQUIREMENTS FOR ZONING MAP AMENDMENT (ZONE CHANGE) AND CONCEPT DEVELOPMENT PLAN REQUESTS PER RECENT STATUTORY CHANGES TO KRS 100.211 (SB 144). Jeff Earlywine, County Administrator, explained that the purpose is to align zoning codes with the State law. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

E. Judge Moore explained that the Right To Work Ordinance was next on the Agenda but will be moved to accommodate guests in the audience.

**ITEM VI.**

**JUDGE'S REPORT**

A. None at this time.

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**ITEM VII.**

**ADMINISTRATIVE MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-37. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BIDS FOR CONTRACT MOWING, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR THE BOONE COUNTY PARKS DEPARTMENT. Judge Moore asked David Whitehouse from the Parks Department to present this Resolution. David Whitehouse commented these are bids for mowing in the parks; our last bid was in 2012. We had 8 companies bid for 31 locations. Commissioner Kenner moved, seconded by Judge Moore, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-38. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO EXECUTE AN EASEMENT BETWEEN THE BOONE COUNTY GOLF COURSE AND JEFF AND KELLIE KOENIG FOR RESIDENTIAL DRIVEWAY ACCESS LOCATED UPON BOONE COUNTY GOLF COURSE PROPERTY. Jeff Earlywine, County Administrator presented a map of the proposed easement location. This is located on Ridgeview #3 on the Golf Course. Every house in the neighborhood has a side entry garage and the Koenig's want to stay consistent. The homeowners will bear the survey costs and all recording fees. Judge Moore commented that the easement is for a portion of a driveway not the building itself. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

Returning to Ordinances.

**ITEM V.**

E. Judge Moore asked the Fiscal Court Clerk to read in the record the second reading of Ordinance 15-07. AN ORDINANCE RELATING TO THE PROMOTION OF ECONOMIC DEVELOPMENT AND COMMERCE BY REGULATION OF CERTAIN INVOLUNTARY PAYMENTS REQUIRED OF EMPLOYEES IN BOONE COUNTY. Judge Moore explained that this is the second reading for the Ordinance; action can be taken as it has been properly read and advertised. Please do not be repetitive in your comments, there will be a 3 minute maximum time allowance, we will hear from both sides. First we will hear from those opposed.

1. Mr. Jeff Shipp, representing the Florence Steel Workers along with the President of that local. Half of their members are from Boone County. He asked that the Court table the Ordinance until they have had time to reflect.
2. Mr. Jim Cole, Northern Kentucky Labor, opposed. The criminal penalties will cost taxpayers money.
3. Mr. Larry Myers, resident of Union, KY, opposed.
4. Ms. Bonnie Frank from Kroger in Walton, opposed.
5. Mr. George McDaniel from Union 181 Steel Workers, opposed.
6. Mr. Gary Marsh, Local Steel Workers #18, opposed.
7. Mr. John Cotton, a Boone County resident, from Ironworkers #44, opposed.
8. Ms. Laurel Bishop from Turfway Park, 80 members in their union, opposed.
9. Mr. Tim Donoghue, President, Northern Kentucky Labor Council, opposed.
10. Mr. Steve Fritz, Plumbers Union, opposed.

Judge Moore asked that the Court now hear from the parties in favor of the Ordinance.

1. Mr. Bernie Kunkel, resident of Walton, in favor.
2. Mr. Dan Tobergte, Northern Kentucky Tri-Ed, shared that passing the Right to Work ordinance would improve the economy in Boone County and site selection for new businesses, in favor.
3. Mr. Jim McGraw, Consulting Industry, this will make the community more productive, in favor.
4. Mr. Trey Grayson, Chamber of Commerce, Boone County is not put on the list for new businesses without the Right to Work law, in favor.
5. Mr. Jim Foltz, citizen of Boone County, in favor.
6. Mr. Jim Waters, Bluegrass Institute, a think-tank for businesses, in favor.
7. Mr. Brent Yessins, Protect My Check, in favor.



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**ITEM XII.**

**ADJOURNMENT**

Commissioner Kenner moved, seconded by Commissioner Flaig, to adjourn the meeting, ALL PRESENT VOTING AYE 3-0. Next Fiscal Court meeting will be April 7, 2015 @ 5:30 pm.

**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 March 17, 2015.

  
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Fiscal Court Clerk

Date: 4/8/2015