

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**April 7, 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 Walton 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  
Gary Peace, Sheriff's Department  
Sharon Burcham, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

- A. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the Minutes from the meeting of March 17, 2015. Judge Moore called for a vote on the motion, MOTION PASSES 4-0.

**ITEM III.**

**PRESENTATIONS**

A. Judge Moore acknowledged Mr. Kevin Richardson from Sunrise Children's Services in attendance and stated that the month of April is designated for Child Abuse Prevention awareness. Judge Moore read the Proclamation and presented it to Kevin Richardson on behalf of Sunrise Children's Services. Mr. Richardson spoke sharing facts and figures of needs of children suffering child abuse; over 600 children in the program today with 12 facilities across the State involved in their program, this is why Sunrise exists. Mr. Richardson thanked Judge Moore.

B. Judge Moore recognized two new faces with the Court tonight. Students involved with the Boone County Youth Government Cabinet, Ms. Sarah Jones from Conner High School and Ms. Ann Postolowski from Ryle High School was attending to experience Fiscal Court.

C. Judge Moore invited Matthew Webster, Government and Community Relations Coordinator, to present an update on the Historic Courthouse. Matthew advised an Action Team has been put together to work on the Old Courthouse building, retain the historic presence and be a vibrant building in the community. The team suggests it be repurposed and repairs made to prevent deterioration. Judge Moore commented we want the building to compliment the community. Judge Moore asked if there were any comments or questions from the audience. Ms. Amanda Emmons - asked to speak. She is with the Union Community Theatre and wanted to show their support of a worthwhile project. Several of the Theatre's members were present. She spoke saying Arts bring public spaces to life and UCT would love to help with the project. Judge Moore asked for any other comments. Judge Moore stated we want to continue the work, no action needed tonight.

**ITEM IV.**

**PERSONNEL MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-39, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF GREGORY D. HOLIAN, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO A PART-TIME (AS NEEDED) POSITION IN THE EMERGENCY MANAGEMENT DEPARTMENT. Assistant County Administrator, Lisa Buerkley commented there are only 3 positions in the role of called-upon as needed. They will be paid an on-call rate to work and a higher rate of pay if needed on a scene. These positions save on salaries without hiring a full-time position. Commissioner Flaig asked a question about full-time employees; Lisa Buerkley responded. 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.

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B. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-40. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING SEASONAL EMPLOYEE NEW HIRES, MACKENZIE R. GARNETT AND JORDAN L. HAUCK, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, AT THE BOONE COUNTY GOLF COURSE CONCESSIONS DEPARTMENT. Assistant County Administrator, Lisa Buerkley explained these were seasonal workers with no benefits. 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.

**ITEM V.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the first reading of 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 Groupon FULFILLMENT CENTER UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Judge Moore asked Jeff Earlywine, County Administrator to explain the details of this Ordinance. Jeff Earlywine stated this Company is in the Hebron area, Groupon has invested \$21M to get up and running, providing 115 new jobs @ \$29K annual salary and they will qualify for a tax credit. Judge Moore added they are filling a vacant space. Commissioner Walton asked about the work at home opportunity. Jeff Earlywine, County Administrator commented there will be 115 jobs on site and part-time, work from home positions will be created. Judge Moore asked for any other questions or discussion and stated the second reading will be May 5, 2015. Commissioner Flaig asked a question. Jeff Earlywine, County Administrator, commented Groupon is a parent company. Judge Moore stated this company began offering coupons on line for services and has expanded to offering products, thus the need for warehouse space. There are only a few of these in the United States and they are moving here due to the location.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the first reading of AN ORDINANCE RELATING TO APPROVAL, WITH 1 CONDITION, FOR A REQUEST OF C&B SIGN SERVICES INC./STEVE CUPITO (APPLICANT) FOR KROGER LIMITED PARTNERSHIP INC. (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE 17 ACRE SITE LOCATED AT 3105 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. Mr. Mitch Light, Planning & Zoning, presented information and slides, explaining this was for the Little Clinic sign at Kroger in Hebron. The Commission recommended the zone change. Judge Moore asked for any questions, stating second reading will be May 5, 2015.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the second reading of Ordinance No. 15-08, 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 commented that Mr. John Muller, the applicant was present. Judge Moore asked if anyone was opposed to the Ordinance, that this was the second reading and final action can be taken. Judge Moore asked if there were any questions or comments from the Commissioners. Commissioner Kenner stated it is a great project. Commissioner Flaig asked when the project started. Jeff Earlywine, County Administrator, commented it was presented last meeting due to the 3 week time span in between. Commissioner Flaig asked about the 5 acres in front of the project. Jeff Earlywine, County Administrator, answered they would return to approve the 5 acres in front of the project. John Muller, Applicant, stated it had been a 5 year project. Judge Moore commented there was no dispute on the project. Jeff Earlywine, County Administrator, explained the time line did not fall under the new law. Commissioner Flaig thanked the Applicant. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

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**ITEM VI.**

**JUDGE'S REPORT**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-41. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF J. B. LIND BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE NORTHERN KENTUCKY PORT AUTHORITY BOARD. Judge Moore explained Mr. Lind is an attorney by profession and lives in Boone County. 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.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-42. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT, AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO SIGN AND EXECUTE ANY AND ALL DOCUMENTS RELATED TO, AND TO APPROVE THE ASSISTED HOUSING FIVE YEAR AND ANNUAL PLAN. Judge Moore explained this is the five year plan for the Assisted Housing Department. Director Ruth Tanner was present and explained this spells out our plans. Judge Moore asked how many housing vouchers were provided. Director Ruth Tanner answered 998 units with 20 set aside for Veterans. Judge Moore stated the program is recognized as successful and they do a fine job. Judge Moore asked if there was a wait list. Director Ruth Tanner answered a 6 month wait time. Commissioner Flaig asked why there were only 20 units offered for Veterans. Director Ruth Tanner answered they were at the mercy of the VA program and were starting with that number and hope to provide more. Judge Moore stated it was something we would look at in the future, how many Veterans we could provide for. Commissioner Flaig thanked the Director. 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.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-43. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT, AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO SIGN AND EXECUTE ANY AND ALL DOCUMENTS RELATED TO, AND TO APPROVE THE ASSISTED HOUSING MODIFICATIONS AND UPDATES TO THE CURRENT ADMINISTRATIVE PLAN. Director Ruth Tanner explained these are ongoing changes we have to modify to manage our plans. Judge Moore asked for any questions or discussion. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. 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 Resolution 15-44. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACCEPTING THE ANNUAL FY 2014 AUDIT OF THE ASSISTED HOUSING DEPARTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE. Director Ruth Tanner explained that an independent audit is required every year. Judge Moore asked for any questions or discussion. 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.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-45. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING A USED 1988 FORD 3910 TRACTOR AND A 1991 JOHN DEERE 2355 TRACTOR, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, AS SURPLUS PROPERTY AND TRADE IN AND AWARDED THE BID FOR A 2015 4X4 DIESEL POWERED TRACTOR TO LIMESTONE FARM LAWN WORKSITE FOR THE PARKS DEPARTMENT. Lisa Buerkley, Assistant County Administrator explained that 4 sealed bids were received for the new tractors and the older tractors had to be declared surplus. The bids were received March 25, 2015 and the lowest bid was \$35,395.35 with the trade-in included. The purchase was a budgeted item recommended from the Parks Department. Judge Moore asked for any questions or discussion. Commissioner Walton moved, seconded by Commissioner Flaig, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

E. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-46. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST TO RETAIN THE MANAGEMENT SERVICES OF ATKINS-ELROD & ASSOCIATES, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO ASSIST THE COUNTY IN PLANNING, FINANCING AND MANAGING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR THE RECOVERY KENTUCKY CENTER. Lisa

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Buerkley, Assistant County Administrator, explained we are required to renew a Contract to apply for and administer the grant. Atkins-Elrod & Associates fees are included in the grant. They do a wonderful job for the County and we only received 1 bid, which was theirs. Judge Moore thanked Dennis Elrod, who was present, and mentioned he has worked with the County before. Lisa Buerkley, Assistant County Administrator, also commented we would be starting with the application process. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 4-0.

F. Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 15-47. A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AFFIRMING THE BID AWARD FOR CONTRACT MOWING SERVICES AT THE MARCH 17, 2015, FISCAL COURT MEETING, AND FURTHER CLARIFYING THE DISPOSITION OF EACH ALTERNATE BID AND THE DESIGNATION OF THE SECOND LOW BIDDER. Judge Moore explained this Resolution was to clean up after our last meeting. Jeff Earlywine, County Administrator, commented the County wanted the bid award clarify we accepted 2 alternate bids. If the 2<sup>nd</sup> lowest bid company goes out of business; we want to clarify and affirm action. Commissioner Flaig asked if prisoners were mowing. Jeff Earlywine, County Administrator, answered yes but the areas we mow have grown and the State has reduced what they mow and we supplement with private crews mowing. Judge Moore commented the areas of 237 & 18 to Hebron; Ky 18 to Florence & Aero Parkway, the Jail property and Sheriff's building are all areas we have mowed. With the State only mowing a few times a year, we want to keep the County looking good and our citizens expect it. We are also supporting businesses and it is less expensive than hiring employees. Commissioner Flaig agreed and commented that using the prisoners was a good business practice. 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.

**ITEM VIII.**

**FISCAL MATTERS**

A. Commissioner Kenner moved, seconded by Commissioner Walton to approve Invoice Report dated 04-7-2015 and pre-paid invoice reports dated (3-19-15, 3-26-15 and 4-02-15). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

B. Commissioner Walton moved, seconded by Commissioner Kenner to approve Golf Course Invoice Report dated 04-17-2015 and pre-paid invoice reports dated (3-19-15, 3-26-15 and 4-02-15). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

C. Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Fiscal Court Order #3 authorizing transfers in the amount of \$428,978.00 within the adopted Fiscal Year 14-15 Budget. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

**ITEM IX.**

**OLD BUSINESS**

A. Judge Moore asked if there was any Old Business before the Court. None presented.

**ITEM X.**

**NEW BUSINESS**

A. Judge Moore asked if there was any New Business before the Court. Mr. John Mason who lives at 1696 Deer Run in Burlington asked to speak. His concern was the condition of his street. He thanked the Court for the new intersection at Camp Ernst and 18, he appreciated the new bridge. His street is scheduled for paving in 2017-2018. He is embarrassed by his street; it is 23 years old and is asking that his street be moved up to 2015 for repair. Commissioner Walton asked how long Mr. Mason had lived on that street. Mr. Mason explained his street is the second part of the development; it is 1.3 miles and has 95 houses on it. Jeff Earlywine, County Administrator, stated he had received calls and emails about the street, that winter had been brutal on the street and the County would do everything we can to move up the date for repair. Judge Moore thanked Mr. Mason for speaking and said he was a great advocate for his community.

Judge Moore mentioned that several members of the community had passed away recently. Mrs. Mary Jean Poston, who was a long-time County employee; Mr. Les Jacobs, another County employee; Mr. Dennis Griffin, of Griffin Industries; Mr. Bobby Taylor of Taylor Brother Excavating; Mr. Vaughn Rogers who had been the County Treasurer; that our thoughts and prayers were with these families. Commissioner Walton wanted to add Mr. Frank Lyons, a long time educator, Principal of Walton Verona High School, who made a difference in young people's lives.

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Commissioner Flaig mentioned some good news from our County, Don and Virginia Lainhart celebrated their 50<sup>th</sup> wedding anniversary.

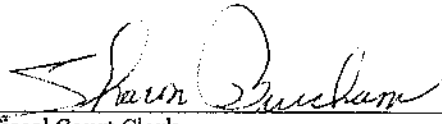
**ITEM XII.**

**ADJOURNMENT**

Judge Moore thanked the students from the Youth Cabinet for attending. Commissioner Kenner moved, seconded by Commissioner Walton, to adjourn the meeting, ALL PRESENT VOTING AYE 4-0. 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 April 7, 2015.

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

Date: April 22, 2015