

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
August 16, 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. Commissioner Cathy H. Flaig presented the Invocation and the Pledge to the Flag.

Judge Moore thanked Commissioner Flaig for praying for the safety of the students returning to school tomorrow. Walton School District started last week and Judge Moore asked the public to be cautious of walkers and practice safety with school buses. Judge Moore also recognized Commissioner Charles Kenner back in attendance and thanked him for his service with the military while he was absent.

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. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Minutes from the August 2, 2016 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, MOTION PASSED AYE 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 Item IV. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF DONALD MOORE TO THE FLEET SERVICES MECHANIC POSITION FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this is an additional mechanic position that was created. This applicant has diesel mechanic skills. 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.

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 OF DAVID BLACK AND KALEB STEELE, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, AS SEASONAL EMPLOYEES FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated with seasons going back to school we needed to fill in some of the seasonal positions.

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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.

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 OF CHRISTINE ONKST, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, AS A PART-TIME RECEPTIONIST FOR THE ASSISTED HOUSING DEPARTMENT. Lori Zombek, Director of Human Resources, explained we needed a part-time position due to a recent retirement and this candidate has worked for us as a temp before. 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.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF TAYLOR AMOS, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, AS A FULL-TIME HOUSING CLERK/ADMINISTRATIVE ASSISTANT FOR THE ASSISTED HOUSING DEPARTMENT. Lori Zombek, Director of Human Resources, explained this position is a replacement due to a retirement. 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.

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 ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE COUNTY OF BOONE, KENTUCKY. Judge Moore explained this is the codification of all the Ordinances passed by the Fiscal Court and asked if there were any questions and stated the second reading will be September 6, 2016.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY SHERWOOD MIDWEST LLC UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM. Jeff Earlywine, County Administrator, stated this is the fastest growing bedding manufacturer in the Country. They will be using a 175,000 sq. ft. existing building with an \$11M capital investment for manufacturing and assembly of bedding. They will create 150 new full time positions with an average salary of \$29K. We will offer the 50% credit of Occupational License fee. Judge Moore added this was a building built for shipping and they are using it for manufacturing. Commissioner Flaig asked what they would be manufacturing, Jeff Earlywine, responded, bedding, mattresses and box springs. Judge Moore stated the second reading will be September 6, 2016.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. C: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, APPROVING AN AMENDMENT OF BOONE COUNTY CODE OF ORDINANCES CHAPTER 91 RELATING TO ANIMALS AND FOWL. Matthew Webster, Assistant County Administrator, explained this aligns the Ordinance with our practice at the Animal Shelter about community cats rather than the shelter keeping them. We receive grants for Trap/Neuter/Release. We are not changing the animals running at large; this merely defines community cats. Judge Moore asked a question, Matthew Webster responded. Judge Moore stated the second reading will be September 6, 2016.

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D. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. D: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH 1 CONDITION, A REQUEST OF ECE, INC. (APPLICANT) FOR ARLINGHAUS 1, LLC (OWNER BY CONTRACT) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 22.04 ACRE SITE GENERALLY LOCATED ON WILLIAMS ROAD BETWEEN 2302 WILLIAMS ROAD AND 2475 GRAVES ROAD, BOONE COUNTY, KENTUCKY. Judge Moore asked if there was any discussion or updates on this Ordinance. Jeff Earlywine, County Administrator, stated this Ordinance has a single condition involving the Graves Road Interchange Justification Study. The developer has studied the footprint of the study area and has agreed to no activity for two (2) years after the completion of the IJS study. They will not build where it might reflect on the new interchange. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Ordinance. 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 the Second Reading of Item V. E: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF LEE RICKEY (APPLICANT) FOR TERRI LIMBAUGH (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO AGRICULTURAL ESTATE (A-2) FOR A 3.275 ACRE SITE GENERALLY LOCATED ON EAST BEND ROAD BETWEEN 8375 EAST BEND ROAD AND 8406 KELLY ROAD, AND ACROSS FROM 8496 EAST BEND ROAD, BOONE COUNTY, KENTUCKY. Judge Moore explained this is the Ordinance requesting to change the zoning back to Agricultural. Judge Moore asked if there were any changes or questions. None stated. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the Ordinance. 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 the Second Reading of Item V. F: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF TIM FYDA (APPLICANT) FOR WFF INVESTMENTS, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE (I-1) ZONE FOR AN APPROXIMATE 14.2 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY ACROSS FROM THE DIXIE HIGHWAY/SHORLAND DRIVE INTERSECTION, ALONG THE EAST SIDE OF I-71/I-75, TO THE NORTH OF OLD RICHWOOD ROAD, TO THE NORTH AND WEST OF THE PROPERTIES AT 11135 DIXIE HIGHWAY AND 124 OLD RICHWOOD ROAD, AND TO THE SOUTH OF THE PROPERTY AT 11075 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. Judge Moore explained this is the second reading of this zone request and asked if there were any questions or changes. Jeff Earlywine, County Administrator, commented there are two (2) conditions to this Ordinance. The first condition is for sales and service for trucks only, prohibiting the sale of fuel and other restrictive uses. Judge Moore asked that the Motion include the conditions. Commissioner Flaig moved, seconded by Commissioner Walton, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

G. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. G: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, AUTHORIZING THE ISSUANCE OF UP TO \$150,000,000 INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2016 (FEDEX GROUND PACKAGE SYSTEM, INC. PROJECT) OF THE COUNTY OF BOONE, KENTUCKY, THE PROCEEDS OF WHICH SHALL BE USED FOR THE PURPOSE OF FINANCING AN INDUSTRIAL BUILDING PROJECT TO BE LOCATED WITHIN THE COUNTY; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL LEASE AGREEMENT BETWEEN THE COUNTY, AS LESSOR, AND FEDEX GROUND PACKAGE SYSTEM, INC., AS LESSEE, A SUPPLEMENTAL TRUST INDENTURE SECURING SUCH BONDS, A BOND PURCHASE AGREEMENT PROVIDING FOR THE NEGOTIATED SALE OF SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF

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SUCH BONDS. Judge Moore explained this building is on Mt. Zion Road toward Kenton County, owned by Fed Ex Ground. This Ordinance is for the finance of the bonds only. Jeff Earlywine, County Administrator, stated this building is under construction and these are tax exempt bonds and cover only the remaining seven (7) years with no KBI State incentives provided. Judge Moore stated the County is not responsible for the debt, we are the financing agent. Judge Moore asked for any questions or discussion. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM VI.

JUDGE'S REPORT

A. None at this time.

ITEM VII.

ADMINISTRATIVE MATTERS

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ESTABLISHING THE 2016 AD VALOREM TAX RATES FOR BOONE COUNTY, KENTUCKY. Judge Moore stated this is the time of the year for setting tax rates for the calendar year and we are given the numbers by the Department of Local Government in Frankfort. Jeff Earlywine, County Administrator, presented some background information as to how the tax rate is built. Judge Moore commented this is about assessed value of property, the total taxable property in the County. Jeff Earlywine stated the PVA values the personal property. Jeff Earlywine explained slides with the Tax Revenue History, Total Property Tax Revenue Indexed and 2016 Tax Rate Options. It is suggested we hold the line at 10.5 cents per \$100 for real property, which would result in a corresponding personal property tax rate of 12.6 cents per \$100. Judge Moore commented there is zero tax on personal aircraft. Judge Moore asked if there were any questions. He stated we will be keeping the real estate rate the same as last year and personal property taxes are lower than several years ago. More growth has produced more revenue but our rate is lower than years ago. 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.

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 AWARDING A CONTRACT FOR ARCHITECTURAL AND CONSTRUCTION MANAGEMENT SERVICES FOR THE HISTORIC COURTHOUSE RENOVATION PROJECT TO HUB + WEBER ARCHITECTS. Judge Moore asked Matthew Webster, Assistant County Administrator to explain. Matthew Webster stated we have been working on this project for two (2) years. They have developed a capital needs list and determined it's re-use. Accomplishments have been designating an Action Team; Engaging the community with a survey; Working with professionals to get information for purpose; and setting a budget to implement the plan. The Action Team received 2 bids for RFP and unanimously recommended to select Hub+Weber. H+W will help us seek historical tax credits. They are asking for \$21,000 for a final design, \$58,000 in construction documents and \$38,000 to manage the construction for a total of \$117,000.00. Matthew Webster thanked the Action Team for their two years of work. Commissioner Flaig asked a question about the construction documents, Matthew Webster responded. Commissioner Flaig asked about handicap accessibility, Matthew Webster responded that is a key feather in the design. Judge Moore commented they will maintain the historical character of the building including an elevator. Matthew Webster added H+W is working with the City of Covington on several historical buildings. Judge Moore commented this is a project to bring back life in the community. 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 VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A PURCHASE CONTRACT TO ACQUIRE REAL PROPERTY LOCATED AT 2949 BURLINGTON PIKE, BURLINGTON, BOONE COUNTY, KENTUCKY, AND AUTHORIZING THE JUDGE/EXECUTIVE TO ENTER INTO A CONTRACT TO PURCHASE. Judge Moore explained this Resolution follows the Resolution for the McBee property on Kentucky 18 that the Court declared surplus property. Farm Bureau was the successful bidder for that property and offered their building and cash in exchange for the McBee property and the County now owns the Farm Bureau property across the street. In future plans the Justice Center is in need of parking. This is the Sebree House, the yellow house and vacant lot next to Rogers Lane. The owner is willing to sell and the County has appraised the property, the County negotiated with the owner and if the Court approves, we will secure the property and own from Rogers through the Farm Bureau building. This does not include The Little Place property. Jeff Earlywine, County Administrator, commented we had the property appraised to make sure the value was consistent and at fair market value. Commissioner Flaig asked if the property was adjacent to the Justice Center. Judge Moore responded, from the Justice Center to Ky 18. Jeff Earlywine explained this purchase will come from the Capital Improvement Fund, Fund #97. Judge Moore stated there will be no financing. 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 VII. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE SHERIFF'S TAX SETTLEMENT AUDIT FOR ALL SPECIAL DISTRICTS FROM APRIL 16, 2015 THROUGH APRIL 15, 2016. Judge Moore explained this is a housekeeping item for the Sheriff's Tax settlement audit. 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 VIII.

FISCAL MATTERS

A. Judge Moore presented the Invoice Report dated August 16th, 2016 and pre-paid Invoice Reports dated August 4th, and August 12th, 2016. Commissioner Walton moved, seconded by Commissioner Kenner 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 August 16th, 2016 and pre-paid Golf Invoice Reports dated July 21st and July 29th, 2016. Commissioner Kenner moved, seconded by Commissioner Flaig 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 Fourth Quarter Budget Report. Jeff Earlywine, County Administrator, presented a review of the year and how the County performed financially. The revenue from all sources totaled \$45.9M collected. We had strong activity with OL fees. Motor vehicle tax, deed transfer tax and building fees are all up. We were short in excess fees like County Clerk and Sheriff but could be due to the time of reporting. We were also short in non-public school transportation. Major funds all performed similarly, all were solid throughout the year. The expense side is good, we underspent by \$1.79M due to solid performance by the Department Heads keeping an eye on their budget. A very strong year positions us to plan to invest and have early retirement on debt. Judge Moore thanked the Department Heads and the Executive Staff, of Jeff Earlywine, Matthew Webster and Ben Reece for the strong fiscal year. Commissioner Flaig commented the jail is so devastated in other Counties and ours is fabulous. Judge Moore stated all departments manage their budgets well, the jail especially. Judge Moore asked for any other questions, none presented.

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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 mentioned Labor Day on September 5th and wished everyone a safe holiday. There are still tickets on sale for the Senior Citizen's Picnic which is Wednesday, September 14th. There is an event at England-Idlewild Park this weekend, Saturday and Sunday, put on by Riding Forward, it is called "Broken Spoke". Commissioner Walton commented that the Boone County Fair was a tremendous event, we have a great fair. Commissioner Flaig also commented that our Fair is the best. Judge Moore added the Fair is operated by the Fair Board and 4H, not by the County and they do a great job of putting their money back into the facility. Commissioner Flaig also mentioned Walton Old Fashion Day.

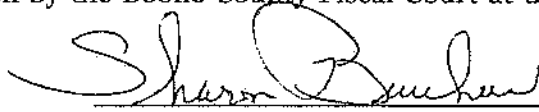
ITEM XI.

ADJOURNMENT

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Kenner moved, seconded by Commissioner Walton, to adjourn the meeting. ALL PRESENT VOTING AYE 4-0.

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 16, 2016.



Fiscal Court Clerk

Date: 7 Sept 2016