

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**November 15, 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 Charlie Walton 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. Gary Peace, Sheriff Department  
Sharon Burcham, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

A. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Minutes from the November 1, 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. SPGE House Bill 1 Presentation:

1. Kevin Costello, Executive Director/Planning Commission presented one (1) change of a text amendment for small cellular poles. The Planning Commission is establishing a procedure to review the poles. A new \$500 fee will be charged for a new pole and a \$300 fee for an antenna on an existing pole. The Commission will not be charging any other fees. The poles address capacity issues and will require technical and site work. There has been no change in fees for the Planning Commission since 2008. Judge Moore asked if there were any questions. Commissioner Flaig asked about other cities, Kevin Costello responded.

**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 CHELSEY BARNETT TO THE PART-TIME POSITION OF ANIMAL CONTROL OFFICER AT THE BOONE COUNTY ANIMAL SHELTER. Lori Zombek, Director of Human Resources, stated this applicant worked in security now and is a Veteran. 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.

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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 RACHEL HARDESTY, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE POSITION OF TELECOMMUNICATION DISPATCHER FOR THE PSCC DEPARTMENT. Lori Zombek, Director of Human Resources, explained this applicant has a degree in Criminal Justice. 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.

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 MIKE EBERHART, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE POSITION OF ENGINEERING SERVICES SPECIALIST IN THE ENGINEERING DIVISION FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this applicant is a current employee and we are promoting from within. 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.

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 RYAN LINVILLE, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE POSITION OF PUBLIC SERVICES LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this applicant has experience in farm work and is a mechanic. 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 IV. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF HANNAH WOOLUMS AND VICTORIA GROVER, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, AS SEASONAL EMPLOYEES FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, explained these positions are to complete the Parks season. 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 V.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of an Ordinance, Item V.A: 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 31 AND 40 OF THE BOONE COUNTY ZONING REGULATIONS WHICH ADD PERMITTING REQUIREMENTS AND RELATED DEFINITIONS FOR SMALL CELLULAR POLES. Jeff Earlywine, County Administrator, explained this Ordinance refers to the fee schedule and guidelines for small cellular poles in the right-of-way and on private property that Kevin Costello just presented. These poles address the volume of cell traffic. Commissioner Flaig asked the maximum allowed on each pole. Jeff Earlywine responded. Judge Moore added the poles will look like a flag pole, not a cell tower. 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.

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B. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of an Ordinance, Item V.B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, DENYING A REQUEST OF OSAM MARDIN (APPLICANT) FOR ALEX OTHMAN (OWNER) FOR A ZONING MAP AMENDMENT AND A CONDITIONAL USE PERMIT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND COMMERCIAL SERVICES (C-3) TO INDUSTRIAL ONE (I-1); THE CONDITIONAL USE PERMIT BEING TO ALLOW AN AUTO AUCTION FACILITY AND RELATED IMPROVEMENTS; ALL FOR A 10.33 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF I-275 AND APPROXIMATELY 1,200 FEET EAST OF THE TERMINUS OF SOUTHPARK DRIVE, BOONE COUNTY, KENTUCKY. Judge Moore stated this request is recommended for denial by the Planning Commission and asked if there was anyone present to speak. Mr. Jim Carmichael stated he represented the applicant and explained their position. He asked the Court to approve the zone change. Judge Moore asked for any questions. Judge Moore stated the Planning Commission voted to deny the request by a 10-3 vote explaining if there is no Motion the time will continue to run and the denial would stand per the statute. Commissioner Kenner moved, seconded by Judge Moore, to approve the Ordinance as denied. 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 the Second Reading of an Ordinance, Item V.C: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT CREATING A FRANCHISE FOR THE OPERATION AND MAINTENANCE OF A CABLE COMMUNICATIONS SYSTEM IN THE COUNTY OF BOONE, KENTUCKY, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM. Judge Moore stated this has been a six (6) year project to enter into a Franchise Agreement. Jeff Earlywine, County Administrator, explained the next step will be to solicit bids for the Franchise Agreement. Linda Ain, Attorney, added the County would advertise for bids. Commissioner Kenner asked if there would be much interest in bidding. Judge Moore and Linda Ain responded. Judge Moore asked if there were any questions from the Court. 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.

**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 APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING ROBERT CARLIN AND LINDA PADGETT TO THE BOONE COUNTY EXTENSION DISTRICT BOARD. Judge Moore explained these candidates have served 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.

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 APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING POLLY SCHADLER, RICHARD GERWE AND DUANE FROELICHER TO THE TAX BOARD ADVISORY, AGING. Judge Moore explained this Board works with social service agencies. Commissioner Flaig asked how long the members served. Judge Moore responded, two (2) years. 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.

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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 COUNTY JUDGE/EXECUTIVE GARY W. MOORE AND COMMISSIONER CATHY FLAIG, TO THE OHIO-KENTUCKY-INDIANA (OKI) REGIONAL COUNCIL OF GOVERNMENTS BOARD OF TRUSTEES. Judge Moore explained this Board has two (2) County elected officials serving. Commissioner Flaig stated it is a one (1) year appointment. Judge Moore added, other Counties serve also. Commissioner Flaig stated the meetings are open to the public and are very informative. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-0. Judge Moore voting the approval of Commissioner Flaig and Commissioner Flaig voting the approval for Judge Moore.

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 APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING RICHARD KNOCK AND JAMES DAUGHERTY ON THE BOONE COUNTY WATER DISTRICT COMMISSION BOARD. Judge Moore stated both positions are reappointments. 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.

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 APPOINTMENT OF DEANNA DRAGAN, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO THE TAX ADVISORY BOARD FOR MENTAL HEALTH. Judge Moore commented this Board oversees social services for funding for mental health. The applicant has a degree in social work and grew up 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 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 APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING PAT WINGO TO THE BOONE-FLORENCE WATER COMMISSION. Judge Moore explained this is the Boone-Florence Water Board created to purchase water from Cincinnati, it is treated water. 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.

**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 APPROVING A LOAN AGREEMENT WITH THE SANITATION DISTRICT #1 OF BOONE, CAMPBELL AND KENTON COUNTIES FOR THE COMPLETION OF SANITARY SEWER SYSTEM COMPACTY IMPROVEMENTS WITHIN THE HEBRON AREA. Judge Moore explained this is a loan. The Hebron area is out of capacity and it is a necessary utility to the fastest growing community. Jeff Earlywine, County Administrator, presented a detailed overview of the project with a summary of the sewer system limitations, the proposed system capacity project and the local economic impact. Jeff Earlywine explained the terms of County funding participation. Most importantly, will have uninterrupted continuation of new sewer taps. Judge Moore commented the County wants to be responsible with the population growing; traffic congestion, sites for new businesses; water lines in place and schools. Judge Moore shared the road improvements that will be happening in the near future. Commissioner Flaig asked a question, Jeff Earlywine responded. Judge Moore advised SD1 will be responsible for the maintenance of the project.

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Jeff Earlywine explained the cost would be from the general fund. Mr. Brian Miller, Home Builders Association, stated they fully support this project. Commissioner Walton asked if the budget would reflect the progress. Jeff Earlywine responded. Commissioner Walton commended the SD1 team and Board Members for their responsibility to provide a healthy environment to the citizens. 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 VII.B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACCEPTING \$220,000 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECOVERY KENTUCKY PROJECT 16-010 AND ACCEPTING THE TERMS AND CONDITIONS THERETO AS SET FORTH BY THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT. Matthew Webster, Assistant County Administrator, explained the County is the pass through for this Grant over the last eight (8) years. Dennis Elrod of Elrod-Atkins was present and stated the County would need to sign acceptance of the Grant. Commissioner Flaig asked who determined how the money was spent. Mr. Elrod explained the State has the discretion to distribute money. Commissioner Flaig asked for information to write in support of the Grant. Judge Moore stated the Grant supports the treatment facility for women on Weaver Road. 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.

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 GARY W. MOORE, COUNTY JUDGE/EXECUTIVE TO EXECUTE AN AGREEMENT BETWEEN BRIGHTON RECOVERY CENTER LIMITED PARTNERSHIP AND BOONE COUNTY FISCAL COURT. Matthew Webster, Assistant County Administrator, stated this authorizes the Court to execute the Agreement to disperse the funds. 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 VII.D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDDING THE BID FOR A 2017 FORD F-550 4X4 FOR THE EMERGENCY MANAGEMENT DEPARTMENT TO FULLER FORD. Jeff Earlywine, County Administrator, stated the Court approved this vehicle in the 2017 budget. It is a dual purpose vehicle, disaster preparedness and hazardous material response. The lowest bid did not meet the specifications; we are replacing a 1981 International truck with 179,000 miles. Mark Ihrig, Director of Emergency Management, explained the purpose of the dual purpose vehicle. Judge Moore asked if there were any questions. 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 VII.E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AN ORDER OF AFFILIATION AGREEMENT WITH THE NORTHERN KENTUCKY TECHNICAL RESCUE TEAM. Mark Ihrig, Director of Emergency Management, stated this Agreement included our County and the Northern Kentucky Technical Team to provide rescue services involving specialized rescue. Boone, Kenton and Campbell Counties and several Fire Departments are involved. 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.

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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 APPROVING A PARTNERSHIP WITH SD<sub>1</sub> AND THE BOONE COUNTY CONSERVATION DISTRICT TO JOINTLY FUND THE INSTALLATION OF ADVANCED STORM WATER AND FLOOD CONTROL MEASURES WITHIN THE UPPER WOOLPER CREEK WATERSHED. Scott Pennington, County Engineer, explained the Court approved a watershed study; this covers flooding issues along KY 20. SD<sub>1</sub>, the Conservation District and the County split the costs of the study, there were 1,250 acres involved. There are 17 detention basins in the area. The cost to the County will be \$20,000 for an Intelligent Storm Water system. Judge Moore explained this is modern technology to retain and release water. Commissioner Flaig asked if the cost was shared equally. Scott Pennington responded yes. Jeff Earlywine, County Administrator, commented this item was not specifically noted in the budget but we do have the funds to cover the expense. 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.

G. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII.G: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AFFIRMING THE NECESSITY FOR AN ENCROACHMENT EASEMENT FOR SURPLUS COUNTY-OWNED PROPERTY AND AUTHORIZING THE JUDGE/EXECUTIVE TO EXECUTE SAID EASEMENT. Jeff Earlywine, County Administrator, explained this property is the Aero Parkway surplus the County is selling. In preparation for the Closing, the survey produced an encroachment on the property, a small corner of an outbuilding. Commissioner Walton asked if the bid would remain the same, Jeff Earlywine responded, one closing would be held the other would be postponed until next week. Commissioner Flaig asked a question, Jeff Earlywine responded. 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 VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Report dated November 15<sup>th</sup>, 2016 and pre-paid Invoice Reports dated November 3<sup>rd</sup> and November 10<sup>th</sup>, 2016. Judge Moore explained these invoices will be on our website tomorrow. Commissioner Kenner moved, seconded by Commissioner Walton 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 November 15<sup>th</sup>, 2016 and pre-paid Golf Invoice Reports dated November 3<sup>rd</sup> and November 10<sup>th</sup>, 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 Monthly Treasurer's and Interfund Transfer Report for October, 2016. Commissioner Flaig moved, seconded by Commissioner Walton to approve the Report. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

D. Jeff Earlywine, County Administrator, presented the First Quarter FY2017 Budget Report stating the First Quarter has been unremarkable and no real estate tax revenue has been booked. Payroll tax had a strong quarter with \$6.8M which was up 8.9% from same quarter last year. Mr. Earlywine narrated each Department. Judge Moore commented the full report is in the packet. No action required.

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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 asked if there was any New Business to come before the Court. Mr. Gary Feddick expressed his appreciation of Judge Moore and his kindness shown at the Senior Citizen Picnic. Mr. Feddick also asked if funds were available to restore the Senior Van transportation. Judge Moore explained the Van operated by Senior Services of Northern Kentucky that was no longer in operation was not run by the County. He promised to follow up with Mr. Feddick's request.

Judge Moore expressed his appreciation of all Veterans and thanked everyone for the ceremonies on Veteran's Day. Breakfast with Santa is taking reservations on our website. Judge Moore wished everyone a Happy Thanksgiving and stated the Burlington Tree Lighting Ceremony will be December 2<sup>nd</sup> at 6:00 PM on the Courthouse lawn.

**ITEM XI.**

**CLOSED EXECUTIVE SESSION**

Judge Moore announced that the Court will move into Closed Session according to KRS 61.810(1)(c). No business will be conducted after the Closed Session. Commissioner Walton moved to go into Closed Session, seconded by Commissioner Kenner. Judge Moore called for a vote, ALL PRESENT VOTING AYE 4-0.

Commissioner Kenner moved to end the Closed Session seconded by Commissioner Walton. Judge Moore called for a vote, ALL PRESENT VOTING AYE 4-0.

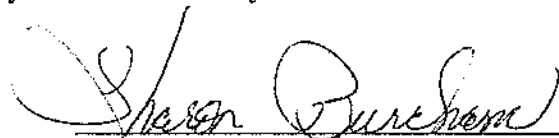
**ITEM XII.**

**ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting after Closed Session. 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 November 15, 2016.

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

Date: 7 December 2016