

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
September 19, 2017
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
Scott Pennington, County Engineer
Lori Zombek, Director of Human Resources
Maj. Gary Peace, Sheriff Department
Sharon Burcham, Fiscal Court Clerk

Absent: Benjamin T. Reece, County Treasurer

ITEM II.

APPROVAL OF MINUTES

A. Judge Moore presented the Minutes from the September 5, 2017 Fiscal Court Meeting for approval. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the September 5, 2017 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, MOTION PASSED AYE 4-0.

ITEM III.

PRESENTATIONS

A. Judge Moore introduced Chief Jeff Barlow from the Burlington Fire Protection District. Chief Barlow stated Burlington Fire District covers 38 square miles and documented 1,550 ambulance calls last year and 859 Fire calls. The Department has 75 personnel, of which 25 are career firefighters. The tax rate will not change from last year, stating Real Estate is .17 per \$100; tangible personal property is .20 per \$100; Aircraft is .20 per \$100; documented watercraft is 0; inventory in transit is .20 per \$100; motor vehicles and watercraft is .20 per \$100, no changes from last year. Judge Moore asked if there were any questions, none presented. Judge Moore thanked Chief Barlow for attending.

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 PROMOTION, BY GARY W. MOORE, COUNTY JUDGE EXECUTIVE, OF CHUCK BIXLER TO THE POSITION OF BUILDING INSPECTOR LEVEL III FOR THE BOONE COUNTY BUILDING DEPARTMENT. Lori Zombek, Director of Human Resources, congratulated Mr. Bixler on passing the test. Judge Moore commented that Boone County now has four (4) Level III Inspectors. 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.

MINUTES
BOONE COUNTY FISCAL COURT
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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, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE OF MARGARET MARTIN, AS A SEASONAL NEW HIRE FOR CONCESSIONS AT THE BOONE COUNTY GOLF COURSES. Lori Zombek, Director of Human Resources, commented this position will be working in Concessions. 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 IV. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CASEY BUSHONG AND TIMMI KLUG, TO A SEASONAL PART-TIME POSITION FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, commented this is a new option for us; we are working in cooperation with the Boone County Schools Co-Op program. 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 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 APPROVING A REQUEST OF FLORENCE BAPTIST CHURCH (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO PUBLIC FACILITIES (PF) FOR A 3.07 ACRE SITE LOCATED AT 1050 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY. Judge Moore explained this building owned by the Florence Baptist Church. Mitch Light, Planning Commission, stated this will be a K-12 school, 8:00 AM-3:00 PM Monday through Friday. They changed to student count to a maximum of 120. Discussion was had regarding speed limits in the area. The vote from the zone change Committee was 4-0 unanimous and 12-0 unanimous from the full Planning Commission. Judge Moore commented this is the first reading and asked if there were any questions. Commissioner Flaig asked if they would be building and the square foot of the existing building. Mitch Light responded. Sidewalks and entry ways were discussed. Judge Moore announced Second Reading will be October 17th.

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 APPROVING, WITH CONDITIONS, THE REQUEST OF TERRY CRIGGER OR RANDY CHESTNUT (APPLICANTS) FOR CHRIST'S CHAPEL ASSEMBLY OF GOD (OWNER) FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR PROPERTY ZONED RURAL SUBURBAN ESTATES/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (RSE/PD/HDO) FOR AN APPROXIMATE 7.6 ACRE SITE LOCATED AT 3819 TURFWAY ROAD, BOONE COUNTY, KENTUCKY. Mitch Light, Planning Commission, presented slides of the new sign and stated conditions. The Committee vote was 4-0 unanimous with the Full Commission vote being 12-0 unanimous. Judge Moore asked if there were any questions, none presented. Judge Moore stated this is the first reading and second reading will follow October 17th.

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
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Burlington, Kentucky
September 19, 2017
5:30 P.M.

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, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY BEST SANITIZERS, INC. UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Jeff Earlywine, County Administrator, explained this is an existing company in Walton, they are asking to expand the facility with \$5M capital investment, creating 19 new Kentucky jobs with an average salary of \$33,000/yr. They make cleaning supplies for institutions. Judge Moore stated this is the first reading and second reading will follow October 17th.

D. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. D: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY ELOVATIONS SERVICES UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Jeff Earlywine, County Administrator, explained this is a logistics company, they repackage and re-supply products. They have approximately 75 employees with an average salary of \$26,000/yr. Judge Moore asked if there were any questions and stated this is the first reading and second reading will follow October 17th.

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, WITH CONDITIONS, A REQUEST OF THE DREES COMPANY (OWNER BY CONTRACT) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES/UNION TOWN OVERLAY (RSE/UTO) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 87.25 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF FROGTOWN ROAD BETWEEN THE PROPERTIES AT 10272 U.S. 42 (ST. TIMOTHY'S CHURCH) AND 1664 FROGTOWN ROAD (U.S. POST OFFICE), AND ACROSS THE ROAD FROM THE FROGTOWN ROAD/GALILEO BOULEVARD INTERSECTION, BOONE COUNTY, KENTUCKY. Judge Moore stated this property is next to the St. Timothy Cemetery property. Jeff Earlywine, County Administrator, commented this request has ten (10) conditions and will clear the traffic off Frogtown Road. We have added #11 to request more design work on the intersection. Commissioner Flaig asked about alignment with Frogtown Road. Commissioner Walton asked about traffic flow. Scott Pennington, County Engineer, stated the County is working with the State. Slides were presented and options were discussed. 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.

Judge Moore stated the next item on the Agenda is what most of our audience is here for and to allow ample time for them, if there is no objection, we would like to deal with Item V. G first.

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 APPROVING, WITH CONDITIONS, A REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR KENTON COUNTY AIRPORT BOARD (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO INDUSTRIAL ONE (I-1), AND A TWO DIMENSIONAL VARIANCE FOR A 1.8 ACRE TRACT GENERALLY LOCATED ON THE WEST SIDE OF LIMABURG ROAD

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
September 19, 2017
5:30 P.M.

AND IMMEDIATELY SOUTH OF THE PROPERTIES AT 4465 LIMABURG ROAD AND 1743 ANDERSON BOULEVARD, BOONE COUNTY, KENTUCKY. Jeff Earlywine, County Administrator, explained there are no changes to this request, the applicant wants to expand their warehouse with two (2) variances, the rear yardage set back and changing the buffer. It was a unanimous vote from the Planning Commission. Commissioner Flaig asked the owners to explain their business model. Theresa Anderson stated they manufacture a variety of machined parts, the new facility with house new machined robotics and will hire engineers. We have 73 employees. Judge Moore added this is a family business and asked if there was any opposition. 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.

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, WITH CONDITIONS, A REQUEST OF FRANCISVILLE, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONE FOR AN APPROXIMATE 12.2 ACRE SITE LOCATED AT 1207 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, TO MODIFY A CONCEPT DEVELOPMENT PLAN AND PREVIOUS CONDITIONS OF APPROVAL TO ALLOW A RECONFIGURATION OF AN APPROVED COMMERCIAL, ATTACHED SINGLE FAMILY RESIDENTIAL, AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT (THORNWILDE VILLAGE) AND THE REQUEST OF FRANCISVILLE, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR AN APPROXIMATE 3.8 ACRE SITE LOCATED AT 1173 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, TO ALLOW AN EXPANSION OF THORNWILDE VILLAGE CONSISTING OF MULTI-FAMILY RESIDENTIAL BUILDINGS. Judge Moore explained the Court would be discussing what the record indicates. This Ordinance is dealing with the 2017 proposal only. Judge Moore explained the Kentucky Statute pertaining to the 90 day time limit for Ordinances to become law. Judge Moore invited persons from the audience to speak.

1. Ms. Donna Brown – Homeowner, member of the HOA, was speaking for the group. She asked the Court to reject the application.
2. Mr. Justin Bailey – resident of Thornwilde, asked to change the name of the Village, have a buffer and add amenities.
3. Mr. Fritz – stated there is a problem with Planning Commission and Fiscal Court.
4. Mr. Steven King – safety concern of the hill when it snows – not safe
5. Mr. Gary Marsh – check grade and location of entrance
6. Ms. Mary Clore – traffic concerns, traffic backs up from Remke to Thornwilde – fix traffic before adding more cars.
7. Mr. Kyle Graham – eminent domain on 237 to widen – will you purchase houses?
8. Ms. Susanne Rosse – resident of Thornwilde, other type of development would be beneficial, lower density.
9. Mr. Vince Stitzel – compared to David vs. Goliath
10. Mr. Chris Sturpe – rezoning in 2014; 11 homes to 170 apartments
11. Ms. Mary Keller – HOA President, not in favor of increasing traffic and density. The Toebben Development pays for traffic light; same to Drees.
12. Mr. Nguyes – resident; property tax to schools – burden on schools. # of child per apartment.

MINUTES
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Burlington, Kentucky
September 19, 2017
5:30 P.M.

Judge Moore has considered everyone and asked the Applicant to speak.

Mr. Phil Drees discussed the intersection, changing the name, adding more buffer and amenities like a trail system. Explained the commercial area and residential are meeting requirements. Judge Moore thanked Mr. Drees for speaking and invited any additional comments from the audience.

1. Ms. Laura Raney -- amenities are nice but provide something for children, basketball courts, not arches.
2. Ms. Donna Brown -- need to protect the subdivision, convenience over safety?
3. Mr. Chris Buck – resident in Boone County since 1997, make the increase not a part of Thornwilde.
4. Mr. Jeff Sproul – 16 yr. resident of Boone, 30 years in KY, make this a place where people want to live permanently, look at living here long term.
5. Ms. Michelle Jump – look at the next 5 years green space; address the road situation

At this time, Judge Moore asked the Commissioners and Staff for any comments. Question was asked about the appropriate applicant. Mitch Light, Planning Commission, stated the zoning runs with the land not the owner. Commissioner Walton asked about HOA protection. Robert Neace, County Attorney, responded. Judge Moore stated the County does not have any authority over HOAs. Commissioner Walton asked about zoning concerns with traffic flow. Mitch Light stated the application was sent to all agencies. Judge Moore asked Scott Pennington, County Engineer, about the design of the road, Scott responded, all design standards have been met. Jeff Earlywine, County Administrator, stated he had reached out to the Boone County Schools. Commissioner Flaig asked about number of bedrooms for the apartments. Mr. Drees responded, 20% 1 bedroom; 60% 2 bedroom; 20% 3 bedrooms. Commissioner Kenner asked a question, Mitch Light responded. Judge Moore commented the commercial buildings at the front of the property is not new to the plan and asked Mr. Drees how he could improve the plan to make it better. Mr. Drees responded he would do more of a buffer, he would change the name, only show 2 stories from #237; Judge Moore asked what the total number of apartments would be, Mr. Drees responded a maximum of 164, below the authorized maximum total of 176 units. A discussion followed concerning the intersection onto Thornwilde and turn lanes. Commissioner Walton asked a question regarding the Day Care. Judge Moore asked Mr. Drees if he could make the development as good as can be and discussed the 90 day statute. Judge Moore asked if there were any other comments from the audience.

1. Ms. Blonka – asked about amenities.
2. Ms. Margaret Woodward – traffic on 237- all the extra cars
3. Scott Mustian – ask to close the entrance to Thornwilde, does the applicant understand the needs of the residents?
4. Ms. Jennifer McBride – ask if the elements of the grade were met.
5. Ms. Jump – asked what is the demand for apartments.
6. Mr. Greg Heckberger – create more amenities instead of more apartments, give residents what they lost. Do away with 2 units and no entrance on Thornwilde.
7. Mr. David Miller – Hebron resident, withdraw and resubmit, can you start over.
8. Mr. David Kettle – regarding safety, shut down entrance on Thornwilde
9. Mr. Vince Stitzel – traffic study, asked what the time period was to file an appeal.
Robert Neace, County Attorney, responded 30 days.

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
September 19, 2017
5:30 P.M.

Mr. Phil Drees responded to questions, stating in the 2014 Minutes, a HOA Board member attended. Commissioner Flaig asked if Mr. Drees could give more amenities, Mr. Drees responded. Commissioner Flaig asked what the build out plan would be, in phases? Mr. Drees responded, estimating 3 years, 50-60 units a year. Commissioner Kenner asked if there was a comparable development in the Tri-State? Mr. Drees responded, the Toebben development, River Pointe, is somewhat similar. The comparable property he is using is located in Tennessee, a very community oriented development.

Judge Moore shared the highway improvements that are now planned for 237 and the Graves Road study.

Ms. Donna Smith spoke again on the impact to the schools with high density apartments.

Mr. Gary Marsh asked to have salt trucks on Thornwilde in the winter.

Mr. Michael Bowler – stated there is a failed flaw with zoning.

A discussion was had regarding the future land use map.

Mr. Michael Bowler commented again on the total acreage of Thornwilde being calculated.

Robert Neace, County Attorney, discussed zoning changes and the issue with previous owner.

Judge Moore stated the County is here to decide on the zoning request and asked Mr. Drees if he could comply with the additional conditions; some being additional buffers, changing the intersection, number of units to 164, the 12-24 unit buildings would be 2 story above ground; removing Thornwilde from the name. Mr. Drees agreed to the ten conditions including the new conditions. Jeff Earlywine, County Administrator, also commented that some conditions apply to the 2014 plan including lighting and a walking trail. Judge Moore added that the new development would not use the Thornwilde amenities. Judge Moore explained that the vote of no would be what the Planning Commission approved in 2014 and a vote of yes would include the ten conditions.

Jeff Earlywine, County Administrator, explained there was some concern that Adam Chaney of SD1 was working with Drees, the Secretary of State website does not have Adam Chaney listed as an officer or agent.

Judge Moore asked for a Motion on the Ordinance. Commissioner Kenner stated he would make a Motion to approve the Ordinance before the Court with the ten conditions stating there was no opposition to the vote in 2014. Commissioner Walton seconded the Motion with the request to look at the traffic and work together as a unit. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 3-1. Judge Moore stated he would approve the Ordinance with the ten conditions. Commissioner Flaig commented her vote was No due to the traffic. Judge Moore stated with a 3-1 vote the Ordinance has passed and is approved.

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 AWARDING THE BID FOR RECYCLING ROLL-OFF CONTAINERS TO PRO-TRAINER, INC. Scott Pennington, County Engineer stated these are the blue recycling bins and will be paid through a Grant. 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.

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
September 19, 2017
5:30 P.M.

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 REJECTING THE SUBMITTED BID FOR RECYCLING STEEL CAGES FOR PUBLIC WORKS SOLID WASTE SERVICES. Scott Pennington, County Engineer, stated the Recycling Center received only one bid which was quite above our quotes and we are requesting to reject this bid and submit another. 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 September 19th, 2017 and pre-paid Invoice Reports dated September 7th and 14th, 2017. Commissioner Kenner moved, seconded by Commissioner Flaig 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 September 19th, 2017 and the pre-paid Golf Invoice Reports dated September 7th and 14th, 2017. Commissioner Kenner moved, seconded by Commissioner Walton to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE 4-0.

ITEM IX. **OLD BUSINESS**

Judge Moore asked if there was any old business to come before the Court. None presented.

ITEM X. **NEW BUSINESS**

Judge Moore asked if there was any new business to come before the Court. None presented.

ANNOUNCEMENTS


1. Judge Moore announced Pawapalooza, September 23rd; Solid Waste Monthly Cleanup, September 30th; Hazardous Waste Removal, November 4th. Scott Pennington announced volunteers are needed for this event to sign up on our website. Sheriff's Nite Out at Walton City Park, September 26th.

ITEM XI. **ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Flaig moved, seconded by Commissioner Kenner, 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 during the Boone County Fiscal Court meeting of September 19, 2017.


Fiscal Court Clerk

Date: 4 October 2017