

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**March 26, 2019**  
**5:30 P.M.**

**ITEM I.**

**CALL TO ORDER**

- A. Judge/Executive 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.

Present: Gary W. Moore, County Judge/Executive  
Cathy H. Flaig, Commissioner, District 1  
Charles E. Kenner, Commissioner, District 2  
Jesse Brewer, Commissioner, District 3  
Robert Neace, County Attorney

Staff: Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Matthew H. Webster, Assistant County Administrator  
Scott Pennington, County Engineer  
Benjamin T. Reece, Treasurer  
Lori Zombek, Director of Human Resources  
Maj. Tom Scheben, Sheriff Department  
Sharon Burcham, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

Judge Moore presented the Minutes from the March 12<sup>th</sup>, 2019 Fiscal Court Meeting for approval. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Minutes from the March 12<sup>th</sup>, 2019 Fiscal Court Meeting, with no changes. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0 with 1 abstention by Commissioner Flaig due to her absence on March 12<sup>th</sup>, 2019.

**ITEM III.**

**PRESENTATIONS**

A. Judge Moore announced that at 3:00 this afternoon he signed an Executive Order appointing Justin Crigler as the new County Clerk. The Republican Party has also selected Justin Crigler as their candidate for the November Special Election.

**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 KENNETH COGGESHALL TO THE POSITION OF PC/LAN TECHNICIAN FOR THE DEPARTMENT OF INFORMATION SYSTEMS. Lori Zombek, Director of Human Resources stated this was an open position due to a resignation. His candidate has a lot of experience in customer service and help desk experience. Commissioner Flaig moved, seconded by Commissioner Brewer, 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, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SHAE BORENSTEIN TO THE FULL-TIME POSITION OF ANIMAL CONTROL OFFICER FOR THE BOONE COUNTY ANIMAL CARE AND CONTROL CENTER. Lori Zombek, Director of Human Resources stated this is an open position and this candidate comes to us with experience. Commissioner Brewer 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 IV. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CARLEY DORMAN TO THE PART-TIME POSITION OF FIELD ASSISTANT FOR THE BOONE COUNTY ANIMAL CARE AND CONTROL CENTER. Lori Zombek, Director of Human Resources stated this is a part-time position with no benefits, this candidate has customer service experience. 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, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY iSERVE PRODUCTS, INC UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Jeff Earlywine, County Administrator, stated iServe is an e-commerce company that works with large logistic companies. They are located in a building on Wright Boulevard. They are planning a \$4.2M capital investment with 100 new jobs with \$29,000 annual wage. The County will provide a 50% credit to their Occupational License. Judge Moore asked if there were any questions from the Court. Second reading will be April 23, 2019.

B. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, FOR A REQUEST OF STANLEY W. YOUNG, III, WORTHINGTON SIGNS (APPLICANT) FOR SPEEDWAY AMERICA (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 1.4 ACRE SITE LOCATED AT 3555 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN AN INDUSTRIAL ONE (I-1) ZONE TO ALLOW AN ELECTRONIC MESSAGE CENTER ON A MONUMENT SIGN. Judge Moore asked if there was anyone in the audience opposed to this request, none presented. There were no questions presented 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.

C. Judge Moore asked the Fiscal Court Clerk to read into the record the Second Reading of Item V. C: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, FOR A REQUEST OF TOMMY REED/ATLANTIC SIGN COMPANY (APPLICANT) FOR WFF INVESTMENTS LLC (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 13.882 ACRE SITE LOCATED AT 11095 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN AN INDUSTRIAL ONE (I-1) ZONE TO ALLOW ADDITIONAL WALL SIGNS. Judge Moore asked if there was anyone in the audience opposed to this request, none presented. There were no questions presented from the Court. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Ordinance. 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 the Second Reading of Item V. D: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, FOR A REQUEST OF TOMMY REED/ATLANTIC SIGN COMPANY (APPLICANT) FOR MUELLERS PROPERTIES LLC (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 3.0106 ACRE SITE LOCATED AT 5555 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO (C-2) ZONE TO ALLOW A PYLON SIGN WITH AN ELECTRONIC MESSAGE CENTER. Judge Moore asked if there was anyone in the audience opposed to this request, none presented. There were no questions presented from the Court. Commissioner Brewer moved, seconded by Commissioner Flaig, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

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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, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF AL NEYER, LLC (APPLICANT) FOR AERO COMMERCE MASTER DEVELOPER, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO URBAN RESIDENTIAL THREE (UR-3) FOR 3.481 ACRES LOCATED ON THE NORTH/EAST SIDE OF BURLINGTON PIKE APPROXIMATELY 250 FEET EAST OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, A ZONING MAP AMENDMENT FROM COMMERCIAL FOUR (C-4) TO INDUSTRIAL ONE (I-1) FOR 2.82 ACRES LOCATED ON THE NORTH/EAST SIDE OF BURLINGTON PIKE AND IMMEDIATELY WEST OF THE PROPERTY AT 5985 CENTENNIAL CIRCLE, AND A ZONING MAP AMENDMENT FROM URBAN RESIDENTIAL THREE (UR-3) TO INDUSTRIAL ONE (I-1) FOR 5.086 ACRES LOCATED ON THE SOUTH SIDE OF AERO PARKWAY APPROXIMATELY 1,070 FEET EAST OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF AL NEYER, LLC (APPLICANT) FOR AERO COMMERCE MASTER DEVELOPER, LLC (OWNER) FOR A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN URBAN RESIDENTIAL THREE (UR-3) AND INDUSTRIAL ONE (I-1) ZONES FOR A 54.926 ACRE PORTION OF THE 66.313 TOTAL ACRE SITE THAT IS LOCATED ON THE NORTHEAST CORNER OF THE BURLINGTON PIKE/AERO PARKWAY INTERSECTION, ALONG THE SOUTH SIDE OF AERO PARKWAY, AND TO THE NORTH OF THE PROPERTIES AT 5945, 5965, 5975 AND 5985 CENTENNIAL DRIVE, AND 5785 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY. THE REQUESTS ARE TO ALLOW USES PERMITTED IN THE UR-3 AND I-1 ZONES ON THE 66.313 TOTAL SITE. Judge Moore asked if there was anyone in the audience in opposition of this Ordinance. Jeff Earlywine, County Administrator, stated this project is for a large industrial building and a section of 240 apartment units. The changes made were for landscape screening. Commissioner Brewer asked when construction would start. Mr. Ryan Reardon from Neyer stated the project would start ASAP. 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 AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CANDACE MCGRAW TO FILL THE UNEXPIRED TERM OF CHARLES SESSION ON THE TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS. Judge Moore stated he could not think of anyone better to serve on Tri-Ed than Candace McGraw. The airport is very involved in economic development. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 AUTHORIZING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, TO SIGN AND EXECUTE ANY AND ALL DOCUMENTS RELATED TO, AND TO APPROVE THE ASSISTED HOUSING ANNUAL PLAN FOR FY2019. Ruth Tanner, Director of Assisted Housing stated this Plan is to follow the guidelines and be compliant. Judge Moore asked how long the wait list was for housing, Ruth responded, six months. Commissioner Brewer commented that Ruth did an excellent job. Commissioner Flaig moved, seconded by Commissioner Brewer, 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 THE QUOTATION FOR GROUP LIFE/AD&D COVERAGE FROM THE MINNESOTA LIFE INSURANCE COMPANY AND LONG TERM DISABILITY COVERAGE TO MADISON NATIONAL LIFE. Lori Zombek, Director of Human Resources, stated we received quotes for this coverage, the rates will be the same and we will stay with the current provider. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 THE FEE PROPOSAL WITH VIOX AND VIOX, INC., FOR THE PRELIMINARY DESIGN IN THE AMOUNT OF \$21,700.00 FOR THE WILLIAMS ROAD CULVERT PROJECT. Scott Pennington, County Engineer, stated this project was to replace a simple culvert on Williams Road but has grown to include safety improvements. We had to go to the next Engineer on our approved list. Some of the costs will be shared with SD1. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 AWARDING THE BID TO TRI-STATE BUILDINGS, INC., FOR THE RECYCLING CENTER ADDITION AT THE BID PRICE OF \$66,020.00 FOR THE PUBLIC WORKS DEPARTMENT. Scott Pennington, County Engineer, stated this project is at the Recycling Center. It will provide a shed type building for the cardboard recycled. 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.

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 REJECTING ALL SUBMITTED BIDS FOR A 4.3 ACRE PARCEL OF SURPLUS REAL PROPERTY LOCATED ALONG AERO PARKWAY. Jeff Earlywine, County Administrator, stated this is a small portion of surplus real estate along Aero Parkway. The County received a single bid that did not qualify because it had no numerical bid. Commissioner Brewer asked a question, Jeff Earlywine responded. Commissioner Brewer moved, seconded by Commissioner Flaig, 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 VII. F: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A TRANSFER OF A 2010 FORD CROWN VIC, UNIT #823, WHICH WAS DELCARED SURPLUS BY RESOLUTION 2019-27, TO THE GRANT COUNTY SHERIFF'S DEPARTMENT WITHOUT COMPENSATION. Jeff Earlywine, County Administrator, stated this vehicle was declared surplus, it has a wrecked front end. Grant County has asked that we donate the vehicle to them as they have parts to make the repairs. Commissioner Kenner moved, seconded by Commissioner Brewer, 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 APPROVING A NEW TOWER LEASE AGREEMENT, AND AMENDING AN EXISTING TOWER LEASE AGREEMENT, WITH RED SPIRES ASSET SUB, LLC (aka AMERICAN TOWER) FOR A TOWER LOCATED AT 7850 TANNERS LANE, FLORENCE, KENTUCKY AS PART OF THE REGIONAL PUBLIC SAFETY COMMUNICATION SYSTEM PROJECT. Jeff Earlywine, County Administrator, stated this is the final tower lease, it is located on Ewing Boulevard. This is the most important tower lease due to the volume of equipment it holds and transmissions from PSCC go out through this tower. The Lease is out of compliance and this will bring it up to date. Commissioner Brewer asked a question, Jeff Earlywine responded. Discussion was had involving terms and cost of Lease. Jim Staverman, Director of PSCC also commented. Commissioner Brewer 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 VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Report dated March 26<sup>th</sup>, 2019 and pre-paid Invoice Reports dated March 12<sup>th</sup>, March 19<sup>th</sup> and March 21<sup>st</sup>, 2019. 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 March 26<sup>th</sup>, 2019 and pre-paid Golf Invoice Reports dated March 12<sup>th</sup>, March 19<sup>th</sup> and March 21<sup>st</sup>, 2019 - Commissioner Kenner moved, seconded by Commissioner Brewer to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

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C. Judge Moore presented Fiscal Court Order #2 in the amount of \$1,723,711.00. Commissioner Flaig moved, seconded by Commissioner Brewer to approve Fiscal Court Order #2. 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. Commissioner Kenner stated the Health Department had received accreditation for the Health Department and wanted to recognize Dr. Saddler for this accomplishment.

**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.

**NEXT FISCAL COURT MEETING** - Tuesday, April 9<sup>th</sup>, 2019 at 5:30 P.M.

**Announcements:** Judge Moore announced that Spring Clean Up dates will be Wednesday, April 3<sup>rd</sup> through Saturday, April 6<sup>th</sup>, 2019 at two locations, the Public Works Barn and the Union site.

**CLERK CERTIFICATION**

I, Sharon Burcham, 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 March 26<sup>th</sup>, 2019.

  
**Fiscal Court Clerk**

Date: 12 April 2019