

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
January 14, 2020
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 A. Brewer, Commissioner, District 3
Robert Neace, County Attorney

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

ITEM II.

APPROVAL OF MINUTES

A. Judge Moore presented the Minutes from the December 18th, 2019 Fiscal Court Meeting for approval. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the December 18th, 2019 Fiscal Court Meeting, with no changes or corrections. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

ITEM III.

PRESENTATIONS

A. Judge Moore introduced Mike Wilson, Solid Waste Supervisor, to present the winners of the Calendar Contest for recycling by elementary students. Over 300 students participated in the contest. Elementary Schools that participated were Longbranch, Goodridge, New Haven, Burlington, Shirley Mann, St. Paul and Gray. Students and families were in attendance and were recognized. Judge Moore congratulated the winners and thanked them for attending.

Judge Moore asked to move to Item VII. A on the Agenda due to the number of interested people in attendance. Judge Moore reviewed a timeline explaining the background of this item. Sheriff Helmig and Col. Les Hill were in attendance and expressed their support of the 2nd Amendment Sanctuary County Resolution. Commissioner Flaig, Commissioner Kenner and Commissioner Brewer all expressed their support of the Resolution.

Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING BOONE COUNTY, KENTUCKY, A SECOND AMENDMENT SANCTUARY. Judge Moore read specific details of the Resolution. Judge Moore asked if there was anyone in the audience in opposition of the Resolution. No one spoke. Judge Moore asked if anyone in the audience wanted to speak in favor of the Resolution. Several people from the audience commented in support of the Resolution.

Judge Moore read a section of the Resolution explaining the details and stated this will let our Legislators know we are making a statement to them. 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.

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B. Judge Moore introduced Mr. Andy Aiello, Executive Director of TANK. Mr. Aiello presented slides and explained the system re-design that will improve service to the community. There will be route modifications to increase frequency and improve coverage. Commissioner Flaig and Commissioner Brewer asked questions, Mr. Aiello responded. Members of the Board were present and introduced. Jeff Earlywine, County Administrator, commented on the need for federal toll credits, the state gas tax and system transfers from Cincinnati to Northern Kentucky. 2 members of the audience expressed their concern. Judge Moore stated this is a work in progress and thanked Mr. Aiello for his presentation.

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 A RECLASSIFICATION AND STATUS CHANGE, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, FOR THE POSITION OF ADMINISTRATIVE SUPERVISOR TO AN "EXEMPT" POSITION FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this position has a high level of authority and should be classified as exempt. 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.

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 SARA DAUWE TO THE SEASONAL POSITION OF YOGA INSTRUCTOR FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, stated this is an open position due to a resignation. Commissioner Flaig asked a question, David Whitehouse, Director of Parks, responded. 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 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 RECOMMENDING APPROVAL, WITH A CONDITION, FOR A REQUEST OF JASON BURCHAM (APPLICANT) FOR BOONE COUNTY PUBLIC LIBRARY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM PUBLIC FACILITIES (PF) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) FOR A 3.87 ACRE SITE LOCATED AT 3215 COUGAR PATH, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR ZONE CHANGE TO ALLOW A KENNEL WITH AN OUTDOOR EXERCISE YARD. Mr. Mike Schwartz, Assistant Zoning Administrator, presented slides and explained the zoning map amendment. He stated the project was awarded unanimous approval from the Planning Commission with one condition involving landscaping. Jeff Earlywine, County Administrator, described the project as a pet boarding facility. Carrie Herman, Director of the Library, the current owner of the property stated the Library approved of the project. Judge Moore stated the second reading will be January 28th, 2020.

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 APPROVING A MORATORIUM ON ALL ZONING MAP AMENDMENTS AND CHANGE IN CONCEPT DEVELOPMENT PLAN APPLICATIONS WITHIN THE I-275/GRAVES ROAD INTERCHANGE SPECIAL LAND USE AND ZONING STUDY AREA FOR THE COUNTY OF BOONE, KENTUCKY. Judge Moore stated the Task Force met with the Planning Commission and staff. This is a moratorium on zone changes only, not development. Jeff Earlywine stated the time frame is estimated to be one year. Judge Moore added the committee wants to promote public safety and make sure the land use is right for the area. Commissioner Kenner 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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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, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY SAFRAN LANDING SYSTEMS KENTUCKY, LLC UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM. Jeff Earlywine, County Administrator, explained this is an advanced manufacturing company that builds hi-capacity air landing gear/brake pads. This is their second expansion involving incentives. They will spend \$150M in capital investment, supply 84 new jobs with an average annual salary of \$72,000.00. They will receive a 6/10th of 1% credit for newly created jobs. Commissioner Brewer moved, seconded by Commissioner Kenner, 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 PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY KBCB, LLC UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM. Jeff Earlywine, County Administrator, commented this company is located in Hebron, it is the Klosterman Bakery. They have invested \$40M inside the building, will provide 81 new jobs with a 6/10th of 1% tax credit. Commissioner Flaig moved, seconded by Commissioner Brewer, 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 ENACTING AND ADOPTING A SANITARY SEWER USER FEE FOR PROPERTY OWNERS AND SEWER USERS WITHIN THE RIDGEVIEW/EVERGREEN DRIVE SANITARY SEWER SERVICE AREA FOR THE COUNTY OF BOONE, KENTUCKY. Jeff Earlywine, County Administrator, stated this action is to certify the sewer user fee of \$35/month for the Evergreen/Ridgeview sewer project. Commissioner Flaig asked a question, Jeff Earlywine responded. Commissioner Brewer thanked the Staff for the research they had done on the foreclosure process. Commissioner Kenner moved, seconded by Commissioner Flaig, 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, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF REDWOOD USA, LLC C/O GREG THURMAN (APPLICANT) FOR LUCILE C. STEPHENS TRUST AGREEMENT C/O MICHAEL A. CONNER (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR AN APPROXIMATE 3.9 ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF THE NORTH BEND ROAD/VETERANS WAY INTERSECTION AND PART OF THE APPROXIMATE 22.2 ACRE TRACT AT 2406 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR ZONE CHANGES TO ALLOW SINGLE STORY ATTACHED DWELLING UNITS. Judge Moore stated this is the second reading on this project and asked if there were any questions. The project will go to construction in the Spring. Commissioner Flaig moved, seconded by Commissioner Brewer, 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 CAPTAIN BRADLEY FOLEY TO THE UNEXPIRED TERM OF ERIC SEIBEL FOR THE POINT PLEASANT FIRE PROTECTION DISTRICT BOARD OF TRUSTEES. Judge Moore stated this position is vacant due to a Firefighter's retirement. 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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ITEM VII.

ADMINISTRATIVE MATTERS

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, AUTHORIZING THE ANNUAL ADJUSTMENT OF PAYMENT STANDARDS TO BE USED BY THE BOONE COUNTY ASSISTED HOUSING DEPARTMENT FOR THE CALENDAR YEAR 2020. Jeff Earlywine, County Administrator, stated a Staff Report has been presented recommending the pay standards and vouchers with fair market rents. 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.

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 CHANGE ORDER #1 IN THE AMOUNT OF \$3,787.50 RELATING TO THE NORTH POINTE PARK PROJECT. David Whitehouse, Director of Parks, stated there was a change in the design with some land disturbance. Judge Moore stated the land was donated by Arlinghaus Builders. Commissioner Flaig asked a question, David Whitehouse responded. 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.

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 AUTHORIZING EXTENSION OF THE CODERED NEXT SERVICES AGREEMENT FOR THE MASS ALERT AND NOTIFICATION SYSTEM FOR THE PERIOD OF ONE (1) YEAR FOR CODE/RED WEATHER WARNING AT THE COST OF \$26,980.00. Jeff Earlywine, County Administrator, stated this recommendation is from the Emergency Management Department to renew the Contract with CodeRed. We are a partner with Kenton County and split the cost with them. The Contract extends upon one year with no increase in cost. Commissioner Flaig asked a question, Jeff Earlywine responded. 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.

ITEM VIII.

FISCAL MATTERS

A. Judge Moore presented the Invoice Report dated January 14th, 2020 and pre-paid Invoice Reports dated December 19th, December 23rd, December 26th and January 1st and January 10th, 2020. Commissioner Brewer 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 January 14th, 2020 and pre-paid Golf Invoice Reports dated December 19th, December 23rd, January 3rd, and January 10th, 2020. Commissioner Flaig moved, seconded by Commissioner Kenner 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

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, none presented.

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.

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NEXT FISCAL COURT MEETING – Tuesday, January 28, 2020 at 5:30 P.M.

ANNOUNCEMENTS:

Judge Moore announced that Billie Jo Morris, a long-time employee of the County had passed.

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 January 14, 2020.


Sharon Burcham
Fiscal Court Clerk

Date: JAN 29, 2020