

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**October 13, 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. Judge/Executive Gary W. Moore presented the Invocation and the Pledge to the Flag.

Members of the Court 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

Members of the Staff Present:

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  
Sharon Burcham, Fiscal Court Clerk  
Col. Les Hill, Sheriff Department

**ITEM II.**

**APPROVAL OF MINUTES**

A. Judge Moore presented the Minutes from the September 17<sup>th</sup>, 2020 Fiscal Court Meeting for approval. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Minutes from the September 17<sup>th</sup>, 2020 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. There were no Presentations.

**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 MICHAEL SWEENEY TO THE FULL-TIME POSITION OF PUBLIC SERVICES TRUCK DRIVER/OPERATOR FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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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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 ANDREW LAUER TO THE FULL-TIME POSITION OF PUBLIC SERVICES LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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.

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 BRADLEY CREECH TO THE FULL-TIME POSITION OF PUBLIC SERVICES LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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 IV. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF ROBBY JONES TO THE FULL-TIME POSITION OF PUBLIC SERVICES LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. 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.

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 A PAY RATE ADJUSTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF THREE FULL-TIME POSITIONS FOR THE PUBLIC WORKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the rate change. Commissioner Brewer asked a question, Lori Zombek responded. Commissioner Flaig asked a question, Jeff Earlywine, County Administrator, responded. 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 APPROVING, WITH CONDITIONS, THE REQUEST OF AL NEYER (APPLICANT) FOR PATRICK MULDOON, LAURA MULDOON, DOROTHY JEAN WEBB AND KENTON COUNTY AIRPORT BOARD (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL ONE (I-1) FOR A 70.505 ACRE SITE LOCATED AT 1601 AND 1669 ELIJAH CREEK ROAD, AT THE EASTERN TERMINUS OF ASBURY WAY, AND ON THE NORTH SIDE OF PETERSBURG ROAD APPROXIMATELY 415 FEET EAST OF THE PETERSBURG ROAD/CONNER ROAD INTERSECTION, BOONE COUNTY. Kevin Wall, Zoning Administrator, presented the project showing maps, zoning and future land use slides. The vote was 12-1 approval with conditions from the Planning Commission. Discussion was had on lighting, truck parking and noise. Rob Franxman, County Engineer, commented on the traffic impact study and turn lanes. Jeff Earlywine, County Administrator, commented on condition for blasting. Judge Moore stated the Second Reading will be November 10<sup>th</sup>.

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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 AN AMENDMENT OF BOONE COUNTY CODE OF ORDINANCES CHAPTER 91 RELATING TO ANIMALS AND FOWL PREVIOUSLY ADOPTED BY ORDINANCE 840.5 ON FEBRUARY 28, 1995 AND AMENDED BY ORDINANCE 03-13 ON MAY 20L, 2003 AND ORDINANCE 2016-19 ON SEPTEMBER 6, 2016. Matthew Webster, Assistant County Administrator, stated this Ordinance will create minimum standards for commercial establishments to maintain clean cages, proper nutrition and healthy animals. Colleen Bray, Director of the Animal Care and Control Department stated it is to protect the animals and the public and align policies with national standards. Judge Moore stated the Second Reading will be November 10<sup>th</sup>.

C. Judge Moore asked The Fiscal Court Clerk to read into the record the Second Reading of Item V. C: AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT AMENDING CHAPTER 110 OF THE OCCUPATIONAL LICENSE SECTION OF THE BOONE COUNTY CODE OF ORDINANCES, HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 430.1 ON MAY 2, 1978 AND AMENDED BY ORDINANCES 430.1A (12-8-1992), 430.3 (10-21-1980), 430.4 (3-11-1986), 430.4A (2-20-1990), 430.5 (5-6-1986), 430.7 (4-21-1987), 2000-09 (5-16-2000), 03-08 (2-18-2003) and 07-27 (12-18-07). Jeff Earlywine, County Administrator, stated this Ordinance gives the County a process to suspend local Occupational Licenses permits if necessary. Discussion was had regarding zoning issues and compliance. 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 RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF PAT WINGO TO THE BOONE-FLORENCE WATER COMMISSION. 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.

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 AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF KEITH NOEL AND GARY WILMHOF TO THE BOONE COUNTY SHERIFF MERIT BOARD. Judge Moore stated this Board meets only as needed. 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 ADOPTING THE BOONE COUNTY JAIL POLICIES AND PROCEDURES MANUAL, THE BOONE COUNTY JAIL PERSONNEL POLICIES AND THE BOONE COUNTY JAIL INMATE RULES AND REGULATIONS MANUAL FOR THE BOONE COUNTY JAIL. Jeff Earlywine, County Administrator, stated this is the annual review of the Policies and there are no material changes. 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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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 ADOPTING THE BOONE COUNTY JAIL WORKCAMP INMATE RULES AND REGULATIONS MANUAL AND THE BOONE COUNTY JAIL WORKCAMP POST ORDERS FOR THE BOONE COUNTY JAIL. 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.

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 THE GRANT AGREEMENT FOR THE BRIGHTON RECOVERY CENTER FOR WOMEN RECOVERY KENTUCKY PROJECT IN BOONE COUNTY. Matthew Webster, Assistant County Administrator, stated this is the next step in the annual process to allow Judge Moore to sign the Agreement. 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.

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 GARY W. MOORE, COUNTY JUDGE/EXECUTIVE TO EXECUTE THE LEGALLY BINDING AGREEMENT BETWEEN BRIGHTON RECOVERY CENTER LIMITED PARTNERSHIP AND BOONE COUNTY FISCAL COURT. 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 AUTHORIZING GARY W. MOORE, COUNTY JUDGE EXECUTIVE, TO EXECUTE THE DEED FOR RIGHT-OF-WAY ACQUISITION AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE MT. ZION ROAD (SR 536) RECONSTRUCTION PROJECT. Jeff Earlywine, County Administrator, stated this is to allow the County to execute the Deed for the Right of Way property on 536 at the Kroger project to comply with the Bond documents. 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.

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 THE ACQUISITION OF RIGHT OF WAY EASEMENTS FROM TWO PROPERTY OWNERS ASSOCIATED WITH THE KY 237 MULTI-USE PATH. Rob Franxman, County Engineer, stated this property is needed for the Multi-Use Path on 237. There are two Owners to relinquish property. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0 with 1 abstention by Commissioner Brewer who disclosed that he was one of the affected property owners and desired to recuse himself.

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 AUTHORIZING THE APPOINTMENT OF A VIEWING COMMITTEE REGARDING THE REQUEST TO VACATE A SEGMENT OF STREET RIGHT-OF-WAY ON VESPER LANE IN PETERSBURG, UNINCORPORATED BOONE COUNTY. Rob Franxman, County Engineer, stated this is a request by Martin Marietta for 700 linear feet of property off KY20. The property is gated and maintained by the County. 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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H. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. H: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT REJECTING ALL BIDS RECEIVED SEPTEMBER 10TH, 2020 FOR THE FROGTOWN ROAD SIDEWALK PROJECT FOR THE PUBLIC WORKS DEPARTMENT. Rob Franxman, County Engineer, stated bids are being rejected for this project because the low bidder was non-responsive and other bids were 35% over the engineering estimate. Bids will be advertised again. Commissioner Brewer asked a question, Rob Franxman responded. 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.

I. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. I: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR THE CONSTRUCTION OF THREE SHELTER BUILDINGS AT ENGLAND-IDLEWILD PARK TO DWA RECREATION, INC., AT THE TOTAL BID PRICE OF \$83,215.00 FOR THE BOONE COUNTY PARKS DEPARTMENT. David Whitehouse, Director of Parks, stated this is the third year for shelter upgrades. This price includes installation, the County will do the concrete work. 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.

J. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. J: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR JANITORIAL SERVICES FOR VARIOUS COUNTY FACILITIES TO BLUECHIP PROS AT THE BID PRICE OF \$5,374.06 PER MONTH. Matthew Webster, Assistant County Administrator, stated these contracts expired in the Spring of 2020 but due to COVID were operating month to month. Seven bids were received, the lowest bid was the best bid for one year with four 1-year renewals. Commissioner Brewer asked a question, Matthew Webster responded. 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.

K. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. K: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR GAS POWERED GOLF CARTS AND FOUR (4) UTILITY CARTS AT THE BID PRICE OF \$131,294.84 ANNUALLY FROM CUNNINGHAM GOLF CAR COMPANY, INC., FOR THE BOONE COUNTY GOLF COURSES. Matthew Webster, Assistant County Administrator, stated the lease for golf carts expires in December. Bids were received from 2 vendors. Staff scored each sample and choose the Yamaha brand for a three year lease. 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 VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Reports dated October 13<sup>th</sup>, 2020 and pre-paid Invoice Reports dated September 18<sup>th</sup>, September 25<sup>th</sup> and October 2<sup>nd</sup>, 2020. Commissioner Brewer 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.

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B. Judge Moore presented the Golf Invoice Reports dated October 13<sup>th</sup>, 2020 and pre-paid Golf Invoice Reports dated September 18<sup>th</sup>, September 25<sup>th</sup> and October 2<sup>nd</sup>, 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.

C. Judge Moore presented the Monthly Financial Report and Interfund Transfer/Court Orders for July, August & September, 2020. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Monthly Financial Report and Interfund Transfer/Court Orders. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

D. Jeff Earlywine, County Administrator, presented the FY21 First Quarter Budget Report. The County ended the Fiscal year with no impact. The CARES Act revenue will be posted.

**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 Kenner moved, seconded by Commissioner Brewer, to adjourn the meeting. ALL PRESENT VOTING - AYE 4-0.

NEXT FISCAL COURT MEETING – Tuesday, October 27<sup>th</sup>, 2020 at **8:30 A.M.**

**CLERK CERTIFICATION**

The Fiscal Court Clerk does hereby certify that this is a true and accurate record of the actions taken during the Boone County Fiscal Court meeting of October 13<sup>th</sup>, 2020.

  
Fiscal Court Clerk

Date: 27 Oct 2020

**ANNOUNCEMENTS:**

Halloween will be Saturday, October 31<sup>st</sup> 6:00 – 8:00, do not turn on porch light if you do not want to participate.

Boone County Parks 31<sup>st</sup> Annual Jack-O-Lantern Drive Through  
Saturday, October 24<sup>th</sup> 7:30 – 9:00 PM - Boone County Fairgrounds

Household Hazardous Waste Collection Event – Saturday, November 7<sup>th</sup> - 9:00 AM - 2:00 PM  
Florence Y'all Stadium (*Florence Freedom*)